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AMENDED IN BOARD
2/3/15

FILE NO. 141253 ORDINANCE NO. 22-15

[Planning Code - Consolidate Definitions, Reorganize Article 2, and Make Other Nonsubstantive Changes to Update, Clarify, and Simplify Code Language]

Ordinance amending the Planning Code to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Control Tables, and make nonsubstantive changes to various sections in Articles 1, 2, 3, 4, 6, 7 and 8 in order to update, clarify, and simplify Code language; affirming the Planning Department's California Environmental Quality Act determination and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000, et seq.). The Board of Supervisors hereby affirms this determination. Said determination is on file with the Clerk of the Board of Supervisors in File No. 141253 and is incorporated herein by reference.

(b) On November 20, 2014, the Planning Commission, in Resolution No. 19280, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

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Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 141253 and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19280 and the Board incorporates such reasons herein by reference.

Section 2. Article 1 of the Planning Code is hereby amended by adding Section 186.3, revising Sections 102 through 102.37, 121.9, 124, 127, 128, 136, 136.1, 145.1, 145.4, 151.1, 155, 156, 159, 168, 178, 179.1, 181, 182, 183, 184, 186.1, 187.1, and 187.2, and deleting Sections 121.5, 121.8, 136.2, 136.3, and 175.7, to read as follows:

SEC. 102. DEFINITIONS.

For the purposes of this Code, certain words and terms used herein are defined as set forth in this and the following sections. Additional definitions applicable to Article 7, Neighborhood Commercial Districts, and to Article 9, Mission Bay Districts, are set forth in Section 790. Additional definitions applicable only to Article 8, Mixed Use Districts, are set forth in Section 890. Additional definitions applicable only to the Bernal Heights Special Use District are set forth in Section 242. Additional definitions applicable only to Article 9, Mission Bay Districts, are set forth in Section 996. All words used in the present tense shall include the future. All words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. Whenever any of the following terms is used it shall mean the corresponding officer, department, board or

commission *or its successor* of the City and County of San Francisco, State of California, herein referred to as the City: Assessor, Board of Supervisors, *Planning* Department ~~*of City Planning,*~~ Department of Public Works, Director of Planning, ~~*City*~~ Planning Commission, *or* Zoning Administrator. In each case, the term shall be deemed to include an employee of any such officer or department of the City who is lawfully authorized to perform any duty or exercise any power as a representative or agent of that officer or department.

A

Adjacent Building. *Generally, a building on a lot adjoining the subject lot along a side lot line.*

Adult Business. *A Retail Sales and Service Use that includes the following: adult bookstore or adult video store, as defined by Section 791 of the Police Code; adult theater, as defined by Section 791 of the Police Code; and encounter studio, as defined by Section 1072.1 of the Police Code. Such use shall be located no less than 1,000 feet from another Adult Business use.*

~~***SEC. 102.35. Urban***~~ ***Agriculture.*** ~~*Urban Agriculture shall be defined as follows:*~~ *A Use Category that includes Neighborhood Agriculture, Large-Scale Urban Agriculture, and Greenhouse.*

~~*(b)* ***Large-Scale***~~ ***Agriculture, Large-Scale Urban.*** *An Agricultural Use that is characterized by* ~~*T*~~the use of land for the production of food or horticultural crops to be harvested, sold, or donated that occur: ~~*(1)*~~ *(a)* on a plot of land ~~*1*~~ *one* acre or larger or ~~*(2)*~~ *(b)* on smaller parcels that cannot meet the physical and operational standards for Neighborhood Agriculture. *This use is subject to location and operational conditions outlined in Section 202.2(c) of this Code.*

~~*(a)* ***Neighborhood***~~ ***Agriculture, Neighborhood.*** *An Agricultural* Use that occupies less than ~~*1*~~ *one* acre for the production of food or horticultural crops to be harvested, sold, or donated and complies with the controls and standards herein. The use includes, but is not limited to,

home, kitchen, and roof gardens. Farms that qualify as Neighborhood Agricultural use may include, but are not limited to, community gardens, community-supported agriculture, market gardens, and private farms. Neighborhood Agricultural use may be principal or accessory use. *This use is subject to location and operational conditions outlined in Section 202.2(c) of this Code.*

Agriculture, Urban. *Any subgrouping of Agricultural Uses that includes either Neighborhood Agriculture or Large-Scale Urban Agriculture.*

~~***SEC. 102.1.***~~ **Alley.** A right-of-way, less than 30 feet in width, permanently dedicated to common and general use by the public.

Ambulance Service. *See Service, Ambulance.*

Animal Hospital. *A Retail Sales and Service Use that provides medical care and accessory boarding services for animals, not including a Kennel.*

~~***SEC. 102.2.***~~ **Arts Activities** ~~***and Spaces.***~~ ~~*Arts activities shall*~~ *A Retail Entertainment, Arts and Recreation Use* that include*s* performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: Dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glassworks, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance and sound arts and craft. It shall exclude accredited ~~*s*~~*S*chools and ~~*accredited p*~~*P*ost-~~*s*~~*S*econdary ~~*e*~~*E*ducational ~~*i*~~*I*nstitutions ~~*as defined by 209.3(k), 217(h), 790.50(e) and 890.50(e)*~~. It shall include commercial arts and art-related business service uses including, but not limited to, recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental

companies. Arts spaces shall include studios, workshops, ~~galleries, museums,~~ archives and theaters, and other similar spaces customarily used principally for arts activities, exclusive of *a Movie* ~~t~~*Th*eater~~s subject to Section 221(d), dance halls subject to Section 221(f)~~, *Amusement Enterprise,* ~~a~~*A*dult ~~e~~*E*ntertainment ~~subject to Section 221(k) of this Code~~, and any other establishment where liquor is customarily served during performances.

Automobile Assembly. *An Industrial Use that involves the assembly of parts for the purpose of manufacturing automobiles, trucks, buses, or motorcycles. This use is subject to operational and location restrictions outlined in Section 202.2(d) of this Code.*

Automobile Wrecking. *An Industrial Use that includes the storage of vehicles in not in operational condition and/or sale of used automobile parts, or for the storage, dismantling, or abandonment of junk, automobiles, trailers, machinery or parts thereof. This use is subject to operational and location restrictions outlined in Section 202.2(d) of this Code.*

Automobile Sale or Rental. *A Retail Automotive Use that provides vehicle sales or rentals within a building or on an open lot.*

Automotive Repair. *A Retail Automotive Use that provides any of the following automotive repair services, when conducted within an enclosed building having no openings, other than fixed windows or exits required by law, located within 50 feet of any R District: minor auto repair, engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying. It may include other services for automobiles including, but not limited to, accessory towing, if all towed vehicles stored on the premises are limited to those vehicles that are to be repaired on the premises.*

Automotive Service. *A subgrouping of Retail Automotive Uses providing services for motor vehicles that includes Automotive Gas Station, Automotive Service Station, Automotive Repair, and Automotive Wash.*

Automotive Service Station. *A Retail Automotive Use that provides motor fuels and lubricating oils directly into motor vehicles and minor auto repairs (excluding engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying) and services that remain incidental to the principal sale of motor fuel. Repairs shall be conducted within no more than three enclosed service bays in buildings having no openings, other than fixed windows or exits required by law, located within 50 feet of any R District. It may include other incidental services for automobiles including, but not limited to, accessory towing, if the number of towing vehicles does not exceed one, and all towed vehicles stored on the premises are limited to those vehicles that are to be repaired on the premises.*

Automotive Use. *A Commercial Use category that includes Automotive Repair, Ambulance Services, Automobile Sale or Rental, Automotive Service Station, Automotive Wash, Gas Station, Parcel Delivery Service, Private Parking Garage, Private Parking Lot, Public Parking Garage, Public Parking Lot, Vehicle Storage Garage, Vehicle Storage Lot ,and Vehicle Tow Service. All Automotive Uses that have Vehicular Use Areas defined in this Section of the Code shall meet the screening requirements for vehicular use areas in Section 142.*

Automotive Use, Non-Retail. *A subcategory of Automotive Use that includes Ambulance Services, Parcel Delivery Service, Private Parking Garage, Private Parking Lot, and Vehicle Tow Service.*

Automotive Use, Retail. *A subcategory of Automotive Use that includes Automotive Repair, Automotive Sale or Rental, Automobile Service Station, Automotive Wash, Gas Station, Public Parking Garage, Public Parking Lot, Vehicle Storage Garage, and Vehicle Storage Lot.*

Automotive Wash. *A Retail Automotive Use that provides cleaning and polishing of motor vehicles, including self-service operations. This use is subject to the location and operational restrictions in Section 202.2(e).*

Awning. *A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic, or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the façade; as further regulated in Section 3105 of the Building Code.*

B

Bar. *A Retail Sales and Service Use that provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 23, 42, 48, or 61) and drinking establishments serving beer where minors are present (with ABC license types 42 or 60) in conjunction with other uses such as Movie Theaters and General Entertainment. Such businesses shall operate with the specified conditions in Section 202.2(a).*

Basement. *See Story.*

~~***SEC. 102.29.***~~ **Bedroom.** A *room primarily used for* "sleeping *that meets the minimum requirements* ~~*room*~~" as defined in the Building Code *for sleeping rooms*.

Board of Supervisors (Board). *The Board of Supervisors of the City and County of San Francisco.*

Bona Fide Eating Place. *A place that is regularly and in a bona fide manner used and kept open for the service of meals to guests for compensation and that has suitable kitchen facilities connected therewith, containing conveniences for cooking of an assortment of foods that may be required for ordinary meals.*

(a) "Meals" shall mean an assortment of foods commonly ordered at various hours of the day for breakfast, lunch, or dinner. Incidental food service, comprised only of appetizers to accompany drinks, is not considered a meal. Incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales is not compliance.

(b) "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

(c) Actual and substantial sales of meals are required, during the normal days and meal hours that a bona fide public eating place is open, provided that "normal days of operation" shall mean a minimum of five days a week and "normal hours" of operation for meal service shall mean approximately 7:00 a.m. to 11:00 a.m. if open for breakfast; 11:00 a.m. to 2:00 p.m. if open for lunch; or 5:00 p.m. to 10:00 p.m. if open for dinner.

(d) The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the Department of Public Health.

(e) A minimum of 51 percent of the restaurant's gross receipts shall be from food sales prepared and sold to guests on the premises. Records of the restaurant's gross receipts shall be provided to the Department upon request.

(f) A "bona fide eating place" does not include an Adult Business as defined in this Section of the Code.

~~***SEC. 102.3.***~~ **Building.** Any structure having a roof supported by columns or walls.

C

Canopy. *A light roof-like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and/or embellishment of the façade, as further regulated in Section 3105 of the Building Code.*

Cat Boarding. *A Retail Sales and Service Use that provides boarding only for cats.*

Catering. *A Non-Retail Sales and Service Use that involves the preparation and delivery of goods including the following items: food, beverages; balloons, flowers, plants, party decorations and favors; or cigarettes/candy.*

Chair/Foot Massage. *See Massage, Chair/Foot.*

~~**Change of Use.** A change of gross floor area from one category of use to another category of use listed in the use table for the zoning district of the subject lot.~~

Child Care Facility. *An Institutional Community Use defined in California Health and Safety Code Section 1596.750 that provides less than 24-hour care for children by licensed personnel and meets the open-space and other requirements of the State of California and other authorities.*

City. *The City and County of San Francisco.*

Commercial Use. *A land use with the sole or chief emphasis on making financial gain, including but not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses, and Auto Uses.*

Commission. *The San Francisco Planning Commission.*

Community Facility. *An Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.*

Community Facility, Private. *An Institutional Community Use that includes a private lodge, private clubhouse, and private recreational facility other than a Community Facility as defined in this section, and which is not operated as a gainful business.*

Community Recycling Collection Center. *A Utility and Infrastructure Use that collects, stores, or handles recyclable materials, including glass and glass bottles, newspaper, aluminum, paper and paper products, plastic and other materials which may be processed and recovered, if within a completely enclosed container or building, having no openings other than fixed windows or exits required by law, provided that: (1) Flammable materials are collected and stored in metal containers; and (2) Collection hours are limited to 9:00 a.m. to 7:00 p.m. daily. It does not include the storage, exchange, packing, disassembling or handling of junk, waste, used furniture and household equipment,*

used cars in operable condition, used or salvaged machinery, or salvaged house-wrecking and structural steel materials and equipment.

Condition(s) of Approval. *A condition or set of written conditions imposed by the Planning Commission or another permit-approving or issuing City agency or appellate body to which a project applicant agrees to adhere and fulfill when it receives approval for the construction of a development project subject to this Article.*

Corner Lot. *See Lot, Corner.*

~~***SEC. 102.37.***~~ **Cottage Food Operation.** An Accessory Use to a ~~*d*~~*D*welling ~~*u*~~*U*nit as defined in Section 113758 of the California State Health and Safety Code.

~~***SEC. 102.4.***~~ **Court.** Any space on a lot other than a yard ~~*which*~~ *that*, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for obstructions permitted by this Code. An "outer court" is a court, one entire side or end of which is bounded by a front setback, a rear yard, a side yard, a front lot line, a street, or an alley. An "inner court" is any court that is not an outer court.

D

DBI. *The San Francisco Department of Building Inspection or its successor.*

Department. *See Planning Department.*

Development Impact Fee. *A fee imposed on a development project as a condition of approval to mitigate the impacts of increased demand for public services, facilities, or housing caused by the development project that may or may not be an impact fee governed by the California Mitigation Fee Act (California Government Code Section 66000, et seq.).*

Design Professional. *A Non-Retail Sales and Service Use that provides professional design services to the general public or to other businesses and includes architectural, landscape architectural, engineering, interior design, and industrial design services. It does not include (1) the design services of graphic artists or other visual artists which are included in the definition of Arts Activities; or (2) the services of advertising agencies or other services which are included in the definition of Professional Service or Non-Retail Professional Service, Financial Service or Medical Service.*

Director. *The Director of the Planning Department or his or her designee.*

~~***SEC. 102.5.***~~ **District.** A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The classes of use districts are described in Section 201 of this Code.

Drive-Up Facility. *A Use Characteristic that includes a structure designed for drive-to or drive-through trade which provides service to patrons while in private motor vehicles, excluding Automotive Gas Station, Automotive Service Station, Automotive Repair, and Automotive Wash.*

DPW. *The Department of Public Works or its successor.*

~~***SEC. 102.6.***~~ **Dwelling.** A building, or portion thereof, containing one or more ~~d~~Dwelling ~~u~~Units. A "one-family dwelling" is a building containing exclusively a single ~~d~~Dwelling ~~u~~Unit. A "two-family dwelling" is a building containing exclusively two ~~d~~Dwelling ~~u~~Units. A "three-family dwelling" is a building containing exclusively three ~~d~~Dwelling ~~u~~Units.

~~***SEC. 102.7.***~~ **Dwelling Unit.** A *Residential Use defined as a* room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen. A housekeeping room as defined in the Housing Code shall be a ~~*d*~~*D*welling ~~*u*~~*U*nit for purposes of this Code. For the purposes of this Code, a ~~*l*~~*L*ive/~~*w*~~*W*ork uUnit, as defined in *this* Section ~~*102.13 of this Code*~~, shall not be considered a ~~*d*~~*D*welling ~~*u*~~*U*nit.

E

Eating and Drinking Use. *A grouping of Retail Sales and Service Uses that provide food and/or beverages for either on- or off-site food consumption including Bars, Restaurants, Limited-Restaurants, and Take-out Food. Eating and Drinking Uses are subject to the conditions in Section 202.2(a).*

Entertainment. *See also Entertainment, Arts and Recreation Use, General Entertainment, Limited Live Performance, Nighttime Entertainment, and Outdoor Entertainment.*

Entertainment, General. *A Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including billiard halls, bowling alleys, skating rinks, min-golf and game arcades, when conducted within a completely enclosed building, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises.*

~~***SEC. 102.17. Nighttime***~~ ***Entertainment, Nighttime*** ~~***Uses.***~~ ~~*Nighttime entertainment uses shall*~~ *A Retail Entertainment, Arts and Recreation Use that* include*s* dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities which require dance hall keeper police permits or Place of Entertainment ~~*or Limited Live Performance*~~ *police* permits, as defined in Section 1060 of the Police Code, which are not limited to non-amplified live entertainment, including ~~*r*~~*R*estaurants and ~~*b*~~*B*ars which present such activities, but shall not

include any ~~a~~Arts Activity ~~activities or space as defined in Section 102.2 of this Code~~, any theater performance space which does not serve alcoholic beverages during performances, or any temporary uses permitted pursuant to Sections 205 through ~~205.3~~ 205.4 of this Code.

Entertainment, Outdoor. *A Retail Entertainment, Arts and Recreation Use that includes circuses, carnivals, or other amusement enterprises not conducted within a building, and conducted on premises not less than 200 feet from any R District.*

Entertainment, Arts and Recreation, Non-Commercial. *A subcategory of Entertainment, Arts and Recreation Uses that includes Open Recreation Area and Passive Outdoor Recreation.*

Entertainment, Arts and Recreation, Retail. *A subcategory of Entertainment, Arts and Recreation Uses that includes Arts Activities, General Entertainment, Livery Stables, Movie Theater, Nighttime Entertainment, Outdoor Entertainment, and Sports Stadium.*

Entertainment, Arts and Recreation Use. *A Use Category that includes Arts Activities, General Entertainment, Livery Stables, Movie Theater, Nighttime Entertainment, Open Recreation Area, Outdoor Entertainment, Passive Outdoor Recreation and Sports Stadiums. Adult Business is not included in this definition, except for the purposes of Development Impact Fee Calculation as described in Article Four.*

F

Façade. *An entire exterior wall assembly including, but not limited to, all finishes and siding, fenestration, doors, recesses, openings, bays, parapets, sheathing, and framing.*

Façade, Front. *The portion of the Façade fronting a right-of-way, or the portion of the Façade most closely complying with that definition, as in the case of a flag lot. Where a lot has more than one*

frontage on rights-of-way. all such frontages shall be considered Front Façades except where a façade meets the definition of "Rear Façade."

~~***SEC. 102.22. Principal***~~ **Façades, *Principal.*** Exterior walls of a ~~*b*~~*B*uilding that are adjacent to or front on a public street, park, or plaza.

Façade, Rear. *That portion of the Façade facing the part of a lot that most closely complies with the applicable Planning Code rear yard requirements.*

Fair Return on Investment. *Where the property owner does not own the business, the before income tax total annual rent and other compensation received from the business for the lease of the land and buildings, less the expenses of the lessor, on a cash basis. Where the property owner also owns the business, the before income tax profit on the sale of all goods and services at the business on a cash basis; for an Automotive Service Station business, it shall include the sale of gasoline, less the cost of goods sold and operating costs.*

~~***SEC. 102.8.***~~ **Family.** A single and separate living unit, consisting of either~~*: (a) O*~~*o*ne person, or two or more persons related by blood, marriage or adoption or by legal guardianship pursuant to court order; plus necessary domestic servants and not more than three roomers or boarders; ~~*(b) or A*~~ a group of not more than five persons unrelated by blood, marriage or adoption, or such legal guardianship *unless the group has the attributes of a family in that it (a) has control over its membership and composition; (b) purchases its food and prepares and consumes its meals collectively; and (c) determines its own rules or organization and utilization of the residential space it occupies.* A group occupying group housing or a hotel, motel, or any other building or portion thereof other than a ~~*d*~~*Dwelling*, shall not be deemed to be a family.

~~*SEC. 102.9.*~~ **Floor Area, Gross.** In ~~*d*~~*D*istricts other than C-3, the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. Where columns are outside and separated from an exterior wall (curtain wall) that encloses the building space or are otherwise so arranged that the curtain wall is clearly separate from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

In C-3 Districts and the Van Ness Special Use District, the sum of the gross areas of the several floors of a building or buildings, measured along the glass line at windows at a height of four feet above the finished floor and along a projected straight line parallel to the overall building wall plane connecting the ends of individual windows, provided, however, that such line shall not be inward of the interior face of the wall.

(a) Except as specifically excluded in this definition, "~~*g*~~*G*ross ~~*f*~~*F*loor ~~*a*~~*A*rea" shall include, but not be limited to, the following:

(1) Basement and cellar space, including tenants' storage areas and all other spaces except that used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Elevator shafts, stairwells, exit enclosures, and smoke-proof enclosures at each floor;

(3) Floor space in penthouses except as specifically excluded in this definition;

(4) Attic space (whether or not a floor has been laid) capable of being made into habitable space;

(5) Floor space in balconies or mezzanines in the interior of the building;

(6) Floor space in open or roofed porches, arcades, or exterior balconies, if such porch, arcade, or balcony is located above the ground floor or first floor of occupancy above basement or garage and is used as the primary access to the interior space it serves;

(7) In districts other than C-3 Districts, floor space in accessory buildings, except for floor spaces used for accessory off-street parking or loading spaces as described in Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and

(8) In C-3 Districts, any floor area dedicated to accessory or non-accessory parking, except for bicyle parking, required off-street loading, and accessory parking as specified in subsection (b)(7); and

(9) Any other floor space not specifically excluded in this definition.

(b) "Gross ~~f~~Floor ~~a~~Area" shall not include the following:

(1) Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Attic space not capable of being made into habitable space;

(3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other mechanical equipment, appurtenances, and areas necessary to the operation or maintenance of the building itself, if located at the top of the building or separated therefrom only by other space not included in the gross floor area;

(4) Mechanical equipment, appurtenances, and areas necessary to the operation or maintenance of the building itself ~~(i)~~ (A) if located at an intermediate story of the building and forming a complete floor level; or ~~(ii)~~ (B) in C-3 Districts, if located on a number of

intermediate stories occupying less than a full floor level, provided that the mechanical equipment, appurtenances, and areas are permanently separated from occupied floor areas and in aggregate area do not exceed the area of an average floor as determined by the Zoning Administrator;

(5) Outside stairs to the first floor of occupancy at the face of the building which the stairs serve, or fire escapes;

(6) In districts other than C-3 Districts, floor space used for accessory off-street parking and loading spaces as described in Section 204.5 of this Code and up to a maximum of 150 percent (150%) of the off-street accessory parking permitted by right in Sections 151 and 151.1 of this Code for C-3 Districts, and driveways and maneuvering areas incidental thereto;

(7) In C-3 Districts, floor space dedicated to parking which does not exceed the amount principally permitted as accessory, and is located underground.

(8) Bicycle parking that meets the standards of Sections 155.1 through *155.4* ~~155.5~~ of this Code;

(9) Arcades, plazas, walkways, porches, breezeways, porticos and similar features (whether roofed or not), at or near street level, accessible to the general public and not substantially enclosed by exterior walls; and accessways to public transit lines, if open for use by the general public; all exclusive of areas devoted to sales, service, display, and other activities other than movement of persons;

(10) Balconies, porches, roof decks, terraces, courts and similar features, except those used for primary access as described in Paragraph (a)(6) above, provided that:

(A) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the clear space is less than 15 feet in either dimension, the area shall not be excluded from ~~g~~Gross ~~f~~Floor ~~a~~Area unless it is fully open to the sky (except for roof eaves, cornices, or belt courses that project not more than two feet from the face of the building wall).

(B) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high), or by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions: ~~(1)~~ (i) The area shall be excluded from ~~g~~Gross ~~f~~Floor ~~a~~Area if it is fully open to the sky (except for roof eaves, cornices, or belt courses that project no more than two feet from the face of the building wall); and ~~(2)~~ (ii) The area may have roofed areas along its perimeter which are also excluded from ~~g~~Gross ~~f~~Floor ~~a~~Area if the minimum clear open space between any such roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above exceptions) and the roofed area does not exceed 10 feet in depth; ~~(3)~~ (iii) In addition, when the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure without walls may cover up to 10 percent of such open space without being counted as gross floor area.

(C) If, however, 70 percent or less of the perimeter of such an area is enclosed by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the open side or sides face on a yard, street or court whose dimensions satisfy the requirements of this Code and all other

applicable codes for instances in which required windows face upon such yard, street, or court, the area may be roofed to the extent permitted by such codes in instances in which required windows are involved;

(11) On lower, nonresidential floors, elevator shafts and other life-support systems serving exclusively the residential uses on the upper floors of a building;

(12) One-third of that portion of a window bay conforming to the requirements of Section 136(d)(2) that extends beyond the plane formed by the face of the façade on either side of the bay, but not to exceed seven square feet per bay window as measured at each floor;

(13) Ground floor area in the C-3-O, C-3-O(SD), C-3-S, C-3-S(SU), and C-3-G Districts devoted to building or pedestrian circulation and building service;

(14) In the C-3-O, C-3-O(SD), C-3-S, C-3-S(SU), and C-3-G Districts, space devoted to personal services, restaurants, and retail sales of goods intended to meet the convenience shopping and service needs of downtown workers and residents, not to exceed 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the ground floor of the building plus the ground level, on-site open space. Said uses shall be located on the ground floor except that, in order to facilitate the creation of more spacious ground floor interior spaces, a portion of the said uses, in an amount to be determined pursuant to the provisions of Section 309, may be located on a mezzanine level;

(15) An interior space provided as an open space feature in accordance with the requirements of Section 138;

(16) Floor area in C-3, South of Market Mixed Use Districts, and Eastern Neighborhoods Mixed Use Districts devoted to child care facilities, provided that:

(A) Allowable indoor space is no less than 3,000 square feet and no more than 6,000 square feet, and

(B) The facilities are made available rent free, and

(C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility. Spaces such as atriums, rooftops, or public parks may be used if they meet licensing requirements for child care facilities, and

(D) The space is used for child care for the life of the building as long as there is a demonstrated need. No change in use shall occur without a finding by the ~~City~~ Planning Commission that there is a lack of need for child care and that the space will be used for a facility described in Subsection ~~18~~ 17 below dealing with cultural, educational, recreational, religious, or social service facilities;

(17) Floor area in C-3, South of Market Mixed Use Districts, and Eastern Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational, religious, or social service facilities available to the general public at no cost or at a fee covering actual operating expenses, provided that such facilities are:

(A) Owned and operated by a nonprofit corporation or institution; or

(B) Are made available rent free for occupancy only by nonprofit corporations or institutions for such functions. Building area subject to this ~~s~~Subsection shall be counted as ~~o~~Occupied ~~f~~Floor ~~a~~Area, except as provided in Subsections ~~102.10~~(a) through

(f) *in the definition for Floor Area, Occupied* ~~*of this Code*~~, for the purpose of calculating the freight loading requirements for the project;

(18) In the C-3-O(SD) District, space devoted to personal services, eating and drinking uses, or retail sales of goods and that is located on the same level as the rooftop park on the Transbay Transit Center and directly accessible thereto by a direct publicly-accessible pedestrian connection meeting the standards of Section 138(j)(1); and

(19) In the C-3-O(SD) District, publicly-accessible space on any story above a height of 600 feet devoted to public accommodation that offers extensive views, including observation decks, sky lobbies, restaurants, bars, or other retail uses, as well as any elevators or other vertical circulation dedicated exclusively to accessing or servicing such space. The space must be open to the general public during normal business hours throughout the year, and may charge a nominal fee for access.

~~*SEC. 102.10.*~~ **Floor Area, Occupied.** Floor area devoted to, or capable of being devoted to, a principal or conditional use and its accessory uses. For purposes of computation, "~~*o*~~*O*ccupied ~~*f*~~*F*loor ~~*a*~~*A*rea" shall consist of the ~~*g*~~*G*ross ~~*f*~~*F*loor ~~*a*~~*A*rea, as defined in this Code, minus the following:

(a) Nonaccessory parking and loading spaces and driveways, and maneuvering areas incidental thereto;

(b) Exterior walls of the building;

(c) Mechanical equipment, appurtenances, and areas necessary to the operation or maintenance of the building itself, wherever located in the building;

(d) Restrooms and space for storage and services necessary to the operation and maintenance of the building itself, wherever located in the building;

(e) Space in a retail store for store management, show windows, and dressing rooms, and for incidental repairs, processing, packaging, and stockroom storage of merchandise for sale on the premises; and

(f) Incidental storage space for the convenience of tenants.

~~*SEC. 102.11.*~~ **Floor Area Ratio.** The ratio of the ~~g~~*G*ross ~~f~~*F*loor ~~a~~*A*rea of all the buildings on a lot to the area of the lot. In cases in which portions of the gross floor area of a building project horizontally beyond the lot lines, all such projecting gross floor area shall also be included in determining the floor area ratio.

Floor Area, Usable. *Generally, the sum of the gross areas of the several floors of a building, measured from the exterior walls or from the center lines of common walls separating two buildings. See alternative definition for the Bernal Heights Special Use District.*

Food, Fiber and Beverage Processing 1. *An Industrial use that involves the processing of food-stuffs, agricultural fibers, and beverages with a low potential for noxious fumes, noise and nuisance to the surrounding area including but not limited to bottling plants, breweries, dairy products plant, malt manufacturing or processing plant, fish curing, smoking, or drying, cereal manufacturing, liquor distillery, manufacturing of felt or shoddy, processing of hair or products derived from hair, pickles, sauerkraut, vinegar, yeast, soda or soda compounds, meat products, and fish oil. This use does not include the processing of wood pulp, and is subject to the operating conditions outlined in Section 202.2(d)*

Food Fiber and Beverage Processing 2. *An Industrial Use that involves the processing of food-stuffs, agricultural fibers, and beverages with a high potential for noxious fumes, noise and nuisance to the surrounding area including but not limited to a flour mill, sugar refinery, and wool pulling or scouring. This use does not include the processing of wood pulp, and is subject to the operating conditions outlined in Section 202.2(d)*

Formula Retail. Formula Retail shall have the meaning set forth in Section 303.1 of the Planning Code. ~~A type of rRetail sSales and Services activity or rRetail sSales and Services establishment that has eleven or more other retail sales establishments in operation, or with local land use and permit entitlements already approved, located anywhere in the world United States. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized decor and color scheme, a uniform apparel, standardized signage, and/or a trademark or a servicemark.~~

~~(a) For the purposes of this definition, a rRetail sSales or Services activity or rRetail sSales or Services establishment shall include the following uses as defined in this Section of this Code: "Bar," "Drive-up Facility," "Eating and Drinking Use," "Liquor Store," "Sales and Service, Other Retail," "Restaurant," "Limited Restaurant," "Take-Out Food," "Sales and Service, Retail," "Service, Financial," and "Movie Theater," "Amusement Game Arcade," "Fringe Financial Service," "Tobacco Paraphernalia Establishment," "Massage Establishment," "Service, Personal": and "Service, Limited Financial," except single automated teller machines~~

~~at the street front that meet the Commission's adopted Performance-Based Design Guidelines and automated teller machines located within another use that are not visible from the street.~~

~~(b) Standardized array of merchandise shall be defined as 50 percent or more of in-stock merchandise from a single distributor bearing uniform markings.~~

~~(c) Trademark shall be defined as a word, phrase, symbol, or design, or a combination of words, phrases, symbols, or designs that identifies and distinguishes the source of the goods from one party from those of others.~~

~~(d) Servicemark shall be defined as a word, phrase, symbol, or design, or a combination of words, phrases, symbols, or designs that identifies and distinguishes the source of a service from one party from those of others.~~

~~(e) Decor shall be defined as the style of interior furnishings, which may include, but is not limited to, style of furniture, wall coverings or permanent fixtures.~~

~~(f) Color Scheme shall be defined as a selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the façade.~~

~~(g) Façade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.~~

~~(h) Uniform Apparel shall be defined as standardized items of clothing including, but not limited to, standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.~~

~~(i) Signage shall be defined as a business sign pursuant to Section 602.3 of the Planning Code.~~

G

Gas Station. *A Retail Automotive Use that provides motor fuels, lubricating oils, air, and water directly into motor vehicles and without providing automotive repair services, and which also includes self-service operations that sell motor fuel only. This use is subject to the controls in Sections 202.2(b), 187.1, and 228.*

General Entertainment. *See Entertainment, General.*

General Grocery. *See Grocery, General.*

Gift Store-Tourist Oriented. *A Retail Sales and Service Use that involves the marketing of small art goods, gifts, souvenirs, curios, or novelties to the public, particularly those who are visitors to San Francisco rather than local residents.*

Grain Elevator. *An Industrial Use defined as a storage facility for grain that contains a bucket elevator or a pneumatic conveyor that scoops up grain from a lower level and deposits it in a silo or other storage facility. This use also covers the entire elevator complex including, but not limited to, receiving and testing offices, weighbridges, and storage facilities.*

Greenhouse. *An Agricultural use that involves the cultivation of plants inside a glass building. This definition does not include accessory structures located in a required rear yard that comply with Section 136(c)(22) of this Code.*

Grocery, General. *A Retail Sales and Services Use that:*

(a) Offers a diverse variety of unrelated, non-complementary food and non-food commodities, such as beverages, dairy, dry goods, fresh produce and other perishable items, frozen foods, household products, and paper goods;

(b) May provide beer, wine, and/or liquor sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

(c) Prepares minor amounts or no food on site for immediate consumption; and

(d) Markets the majority of its merchandise at retail prices.

(e) May have a Limited Restaurant use within the accessory use limits as set forth in Section 703.2(b)(1)(C)(iii).

(f) Such businesses shall operate with the specified conditions in Section 703.5.

Grocery, Specialty. *A Retail Sales and Services Use that:*

(a) Offers specialty food products such as baked goods, pasta, cheese, confections, coffee, meat, seafood, produce, artisanal goods, and other specialty food products, and may also offer additional food and non-food commodities related or complementary to the specialty food products;

(b) May provide beer, wine, and/or liquor sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

(c) Prepares minor amounts or no food on site for immediate consumption; and

(d) Markets the majority of its merchandise at retail prices.

(e) May provide Limited Restaurant services within the accessory use limits as set forth in Section 703.2(b)(1)(C)(iii).

(f) Such businesses shall operate with the specified conditions in Section 703.5.

Gross Floor Area. *See Floor Area, Gross*

Group Housing. *A Residential Use that provides lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time, in a space not defined by this Code as a dwelling unit. Such group housing shall include, but not necessarily be limited to, a Residential Hotel, boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority house, monastery, nunnery, convent, or ashram. It shall also include group housing affiliated with and operated by a medical or educational institution, when not located on the same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans.*

Gym. *A Retail Sales and Service Use including a health club, fitness, gymnasium, or exercise facility when including equipment and space for weight-lifting and cardiovascular activities.*

H

Hazardous Waste Facility. *An Industrial Use that includes any use involving the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste that is produced at an off-site facility, but shall not include a facility that: (1) manages only used oil, used oil filters, latex paint, antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not required to obtain a hazardous waste facility permit from the State of California. The terms "hazardous waste," "treatment," "transfer," "storage," "disposal," "off-site facility," and "used oil" as used herein shall have the meaning given those terms in the California Health and Safety Code, Division 20, Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.*

Health Service. *See Service, Health.*

Heavy Manufacturing. *See Manufacturing, Heavy.*

~~*SEC. 102.12.*~~ **Height (of a building or structure).** The vertical distance by which a building or structure rises above a certain point of measurement. ~~*, which point shall be taken as indicated herein. For this purpose, the term "building" shall be deemed to include the term "structure."*~~ *See Section 260 of this Code for how height is measured.*

~~*(a) In the case of either (b) or (c) below, such point shall be taken at the centerline of the building or, where the building steps laterally in relation to a street that is the basis for height measurement, separate points shall be taken at the centerline of each building step.*~~

~~*(b) Where the lot is level with or slopes downward from a street at the centerline of the building or building step, such point shall be taken at curb level on such a street. This point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. Measurement of height for any portion of the lot extending beyond such line shall be considered in relation to the opposite (lower) end of the lot, and that portion shall be considered an upward sloping lot in accordance with Subsection (c) below, whether or not the lot also has frontage on a lower street.*~~

~~*(c) Where the lot slopes upward from a street at the centerline of the building or building step, such point shall be taken at curb level for purposes of measuring the height of the closest part of the building within 10 feet of the property line of such street; at every other cross-section of the building, at right angles to the centerline of the building or building step, such point shall be taken as the average of the ground elevations at either side of the building or building step at that cross-section. The ground elevations used shall be either existing elevations or the elevations resulting from new grading operations encompassing an entire block. Elevations beneath the building shall be taken by projecting*~~

~~*a straight line between ground elevations at the exterior walls at either side of the entire building in the same plane.*~~

~~*(d) Where the lot has frontage on two or more streets, the owner may choose the street or streets from which the measurement of height is to be taken, within the scope of the rules stated above.*~~

~~*Where the height limits for buildings and structures are established by this Code, the upper points to be taken for measurement of height shall be as prescribed in the provisions relating to such height limits.*~~

Homeless Shelter. ~~Homeless Shelter means~~ A Residential Use defined as *living and/or sleeping accommodations without any fee to individuals and families who are homeless, as defined in the Federal Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 (S.896), as amended from time to time. Homeless Shelters shall comply with the requirements of the Standards of Care for City Shelters contained in Administrative Code, Chapter 20, Article XIII, including the requirement for operational standards in Section 20.404(d).*

Horizontal Elements. *All roof areas and all floor plates, except floor plates at or below grade.*

Hospital. *An Institutional Healthcare Use that includes a hospital, medical center, or other medical institution that provides facilities for inpatient and outpatient medical care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.*

Hotel. *A Retail Sales and Services Use that provides tourist accommodations, including guest rooms or suites, which are intended or designed to be used, rented, or hired out to guests (transient visitors) intending to occupy the room for less than 32 consecutive days. This definition also applies to*

buildings containing six or more guest rooms designated and certified as tourist units, under Chapter 41 of the San Francisco Administrative Code. For purposes of this Code, a Hotel does not include (except within the Bayshore-Hester Special Use District as provided for in Sections 713 and 780.2 of this Code) a Motel, which contains guest rooms or suites that are independently accessible from the outside, with garage or parking space located on the lot, and designed for, or occupied by, automobile-traveling transient visitors. Hotels shall be designed to include all lobbies, offices, and internal circulation to guest rooms and suites within and integral to the same enclosed building or buildings as the guest rooms or suites.

Hotel, Residential. *A Residential Use defined in Chapter 41 of the San Francisco Administrative Code that contains one or more residential hotel units. A residential hotel unit is a guest room, as defined in Section 203.7 of Chapter XII, Part II, of the San Francisco Municipal Code (Housing Code), which had been occupied by a permanent resident on September 23, 1979, or any guest room designated as a residential unit pursuant to Sections 41.6 or 41.7 of Chapter 41 of the San Francisco Administrative Code. Residential hotels are further defined and regulated in the Residential Hotel Unit Conversion and Demolition Ordinance, Chapter 41, of the San Francisco Administrative Code.*

Hours of Operation. *The permitted hours during which any commercial establishment, not including automated teller machines, may be open for business. Other restrictions on the hours of operation of Movie Theaters, Adult Businesses, and Entertainment Uses, as defined in this Section of the Code, shall apply pursuant to provisions in Section 303(c)(5), when such uses are permitted as conditional uses. A Pharmacy may qualify for the exception to operate on a 24-hour basis provided in this Section the Code.*

I

Industrial Use. *A Use Category continuing the following uses: Automobile Wrecking, Automobile Assembly, Food Fiber and Beverage Processing 1 and 2, Grain Elevator, Hazardous Waste Facility, Junkyard, Livestock Processing 1 and 2, Heavy Manufacturing 1,2, and 3, Light Manufacturing, Metal Working, Power Plant, Ship Yard, Storage Yard, Volatile Materials Storage, and Truck Terminal.*

Infrastructure. *Open space and recreational facilities; public realms improvements such as pedestrian improvements and streetscape improvements; public transit facilities; and community facilities such as libraries, child care facilities, and community centers.*

In-Kind Agreement. *An agreement acceptable in form and substance to the City Attorney and the Director of Planning, under which the project sponsor agrees to provide a specific set of community improvements, at a specific phase of construction, in lieu of contribution to the relevant Fund.*

In Lieu Fee. *A fee paid by a project sponsor in lieu of complying with a requirement of this Code and that is not a development impact fee governed by the Mitigation Fee Act.*

Institutional Community Use. *A subcategory of Institutional Uses that includes Child Care Facility, Community Facility, Private Community Facility, Job Training, Philanthropic Administrative Services, Religious Institution, Social Service or Philanthropic Facility, and Public Facility.*

Institutional Education Use. *A subcategory of Institutional Uses that includes Post-Secondary Educational Institution, School, and Trade School.*

Institutional Healthcare Use. *A subcategory of Institutional Uses that includes Hospital, Medical Cannabis Dispensary, and Residential Care Facility.*

Institutional Use. *A Use Category that includes Child Care Facility, Community Facility, Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary, Philanthropic Administrative Services, Religious Institution, Residential Care Facility, Social Service or Philanthropic Facility, Post-Secondary Educational Institution, Public Facility, School, and Trade School.*

Interior Lot. *See Lot, Interior.*

Internet Service Exchange. *A Utility and Infrastructure Use defined as a location that contains any of the following uses (excluding Wireless Telecommunication Services Facility): switching equipment (whether wireline or wireless) that joins or connects occupants, customers, or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain, or process data, voice or video signals, and provide other data processing services; or a group of network servers.*

J

Jewelry Store. *A Retail Sales and Service Use that primarily involves the sale of jewelry to the general public. It may involve sales of precious stones, gems, precious metals, gold and silver, or clocks and watches. Repair services or setting, custom design or manufacture of individual pieces of jewelry may also be provided.*

Job Training. *A Institutional Community Use that provides job training and may also provide vocational counseling and job referrals.*

Junk Yard. *An Industrial Use defined as an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including house-wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment,*

excluding automobile wrecking operations, which is defined as a separate use in this Section of the Code; yards or establishments for the sale, purchase, or storage of used cars or machinery in operable condition; and the processing of used, discarded, or salvaged materials as part of a permitted manufacturing operation in the same premises.

K

Kennel. *A Retail Sales and Services Use where dogs are boarded for compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding, or sale of the dogs is the principal means of livelihood of the occupants of the premises.*

L

Laboratory. *A Non-Retail Sales and Services Use intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from Office uses, Light Manufacturing, or Heavy Manufacturing. Examples of laboratories include the following:*

(a) Chemistry, biochemistry, or analytical laboratory;

(b) Engineering laboratory;

(c) Development laboratory;

(d) Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;

(e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;

(f) Support laboratory;

(g) Quality assurance/Quality control laboratory; and

(h) Core laboratory.

Large-Scale Urban Agriculture. *See Agriculture, Large Scale Urban.*

Licensed Child Care Facility. *A child care facility that has been issued a valid license by the California Department of Social Services pursuant to California Health and Safety Code Sections 1596.80-1596.875, 1596.95-1597.09, or 1597.30-1597.61.*

Life Science. *A Non-Retail Sales and Service Use that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in the Laboratory definition Subsections (d) and (e).*

Light Manufacturing. *See Manufacturing, Light.*

Limited Live Performance. *An Accessory Use as defined in Section 1060 of the Police Code*

Limited Restaurant. *See Restaurant, Limited.*

Liquor Store. *A Retail Sales and Service Use that sells beer, wine, or distilled spirits to a customer in an open or closed container for consumption off the premises and that needs a State of California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) This classification shall not include retail uses that (1) are both (a) classified as a General Grocery, a Specialty Grocery, or a Restaurant-Limited, and (b) have a gross floor area devoted to alcoholic beverages that is within the applicable accessory use limits for the use district in*

which it is located, and have both (a) a Non-residential Use Size of greater than 10,000 gross square feet and (b) a gross floor area devoted to alcoholic beverages that is within accessory use limits as set forth in Section 204.2 of this Code, depending on the zoning district in which the use is located. For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, 783, and 784, the retail uses explicitly exempted from this definition as set forth above shall only apply to General Grocery and Specialty Grocery stores that exceed 5,000 square feet in size shall not: (a) sell any malt beverage with an alcohol content greater than 5.7 percent by volume; any wine with an alcohol content of greater than 15 percent by volume, except for "dinner wines" that have been aged two years or more and maintained in a corked bottle; or any distilled spirits in container sizes smaller than 600 milliliters; (b) devote more than 15 percent of the gross square footage of the establishment to the display and sale of alcoholic beverages; and (c) sell single servings of beer in container sizes 24 ounces or smaller.

Livery Stable. *A Retail Entertainment, Arts and Recreation Use where horses and carriages are kept for hire and where stabling is provided. This use also includes horse riding academies.*

Livestock Processing 1. *An Industrial Use that involves the live storage, killing or dressing of poultry, rabbits or other small livestock, and/or the tanning or curing of raw hides or skins from an animal of any size. Direct sales to customers is permitted on site. This use is subject to the location and operating restrictions in Section 202.2(d).*

Livestock Processing 2. *An Industrial Use that involves the live storage, killing or dressing of cows, pigs, goats, and other large livestock and/or the tanning or curing of raw hides or skins from an animal of any size. Direct sales to customers is permitted on site. This use is subject to the location and operating restrictions in Section 202.2(d).*

Live/Work Project. *A Housing Project containing more than one Live/Work Unit.*

~~*SEC. 102.13.*~~ **Live/Work Unit.** A ~~*live/work unit is*~~ *hybrid Residential and PDR Use that is defined as a* structure or portion of a structure combining a residential living space for a group of persons including not more than four adults in the same unit with an integrated work space principally used by one or more of the residents of that unit; provided, however, that no otherwise qualifying portion of a structure that contains a Group A occupancy under the ~~*San Francisco*~~ Building Code shall be considered a ~~*l*~~*L*ive/~~*w*~~*W*ork ~~*u*~~*U*nit. *No City official, department, board, or commission shall issue or approve a building permit or other land use entitlement authorizing a new live/work unit as defined here, except as authorized as an accessory use under Section 204.4. Lawfully approved live/work units are subject to the provisions of Sections 181 and 317 of this Code.*

Long Term Housing. *Housing intended for occupancy by a person or persons for 32 consecutive days or longer.*

~~*SEC. 102.14.*~~ **Lot.** A parcel of land under one ownership that constitutes, or is to constitute, a complete and separate functional unit of development, and that does not extend beyond the property lines along streets or alleys. A lot as so defined generally consists of a single Assessor's lot, but in some cases consists of a combination of contiguous Assessor's lots or portions thereof where such combination is necessary to meet the requirements of this Code. In order to clarify the status of specific property as a lot under this Code, the Zoning Administrator may, consistent with the provisions of this Code, require such changes in the Assessor's records, placing of restrictions on the land records, and other actions as may be necessary to assure compliance with this Code. The definition of "lot" shall also be applicable to piers under the jurisdiction of the Port Commission.

~~*SEC. 102.15.*~~ **Lot, Corner.** A lot bounded on two or more adjoining sides by streets that intersect adjacent to such lot, provided that the angle of intersection of such streets along such lot does not exceed 135 degrees. For the purposes of this Code, no ~~*e*~~Corner ~~*l*~~Lot shall be considered wider or deeper than 125 feet, and the remainder of any lot involved shall be considered to be an ~~*i*~~Interior ~~*l*~~Lot. Whenever a ~~*e*~~Corner ~~*l*~~Lot is resubdivided, only that portion which thereafter is bounded on adjoining sides by streets as herein described shall be a ~~*e*~~Corner ~~*l*~~Lot.

~~*SEC. 102.16.*~~ **Lot, Interior.** A lot other than a ~~*e*~~Corner ~~*l*~~Lot.

Lot Size (Per Development). *The permitted gross lot area for new construction or expansion of existing development.*

M

Mandatory Discretionary Review. *A hearing before the Planning Commission that is required by the Planning Code at which the Commission will determine whether to approve, modify, or disapprove a permit application.*

Manufacturing 1, Heavy. *An Industrial Use having the potential of creating substantial noise, smoke, dust, vibration, and/or other environmental impacts or pollution, and including, but not limited to:*

(a) Concrete mixing, concrete products manufacture,

(b) Electric foundry or foundry for nonferrous metals

(c) Enameling, lacquering, wholesale paint mixing from previously prepared pigments and vehicles,

(d) Woodworking mill, manufacture of woodfibre, sawdust or excelsior products not involving chemical processing,

(e) Blast furnace, rolling mill, or smelter; and

(f) Ice manufacturing plant.

This use is subject to the location and operation controls in Section 202.2(d)

Manufacturing 2, Heavy. *An Industrial Use having the potential of creating substantial noise, smoke, dust, vibration, and/or other environmental impacts or pollution, and including, but not limited to:*

(a) Production or refining of petroleum products.

(b) Rendering or reduction of fat, bones, or other animal material, where adequate provision is made for the control of odors through the use of surface condensers and direct-flame afterburners or equivalent equipment;

(c) Incineration of garbage, refuse, dead animals or parts thereof;

This use is subject to the controls in Section 202.2(d).

Manufacturing 3, Heavy. *An Industrial Use having the potential of creating substantial noise, smoke, dust, vibration, and/or other environmental impacts or pollution, and including, but not limited to:*

(a) Battery manufacture;

(b) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of Paris, explosive, fertilizer, glue or gelatin from fish or animal refuse;

(c) Manufacture, refining, distillation, or treatment of any of the following: abrasives, acid (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow),

celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil paint, paper (or pulp), petroleum products, perfume, plastics, poison, potash, printing ink, refuse mash or refuse grain, rubber (including balata or gutta-percha or crude or scrap rubber), shellac, shoe or stove polish, soap, starch, tar, turpentine, or varnish.

(d) Foundry, structural iron or pipe works, boilermaking where riveting is involved, locomotive works, roundhouse or railroad shop.

This use is subject to the location and operation controls in Section 202.2(d)

Manufacturing, Light. *An Industrial Use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities defined by the Standard Industrial Classification Code Manual as light manufacturing uses:*

(a) Food processing;

(b) Apparel and other garment products;

(c) Furniture and fixtures;

(d) Printing and publishing of books or newspapers;

(e) Leather products;

(f) Pottery;

(g) Glass-blowing;

(h) Commercial laundry, rug cleaning, and dry cleaning facility; or

(i) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks.

It shall not include Trade Shop or Heavy Manufacturing 1,2, or 3. This use is subject to the location and operation controls in Section 202.2(d)

Maritime Use. *A Use Characteristic defined as any use that requires access to or use of San Francisco Bay waters in order to function or operate in the normal course of business including, but not limited to, uses associated with waterborne commerce, navigation, fisheries, and recreation, and industrial, commercial, and other operations directly related to the conduct of waterborne commerce, navigation, fisheries, or recreation on property subject to public trust. Maritime Uses also includes houseboats or residential uses on the water.*

Marquee. *A permanent roofed structure attached to and supported entirely by a building, including any object or decoration attached to or part of said marquee, no part of which shall be used for occupancy or storage, with the purpose of providing protection from sun and rain and/or embellishment of the façade, as further regulated in Section 3106 of the Building Code.*

Massage, Chair/Foot. *A Retail Sales and Service Use where the only massage service provided is chair or foot massage, such service is visible to the public, and customers are fully clothed at all times.*

Massage Establishment. *A Retail Sales and Service Use defined by Sections 29.1 through 29.32 of the San Francisco Health Code, except a use that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600, et seq., or one that employs or uses only persons certified by the State's Massage Therapy Organization, pursuant to the*

California Business and Professions Code Section 4600, et seq., provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 29.2 of the San Francisco Health Code, and provided that:

(a) The massage use is accessory to a principal use, if the massage use is accessed by the principal use and (1) the principal use is a dwelling unit and the massage use conforms to the requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the principal use is a Tourist Hotel that contains 100 or more rooms or an Institutional Use as defined in this Code; or

(b) The only massage service provided is chair massage, such service is visible to the public, and customers are fully clothed at all times.

(c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this Code. When considering an application for a conditional use permit pursuant to this Subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria outlined in Section 303(o).

Medical Cannabis Dispensary. *An Institutional Healthcare Use defined in Section 3301(f) of the San Francisco Health Code, which is permitted only if it meets the conditions listed in Section 202.2(e).*

Metal Working. *An Industrial use that includes metal working or blacksmith shop; excluding presses of over 20 tons' capacity and machine-operated drop hammers. This use is subject to location and operational controls in Section 202.2(d).*

~~*SEC. 102.34.*~~ **Mobile Food Facility.** A ~~*Mobile Food Facility shall be defined as*~~ *Retail Sales and Service Use as* defined in Public Works Code Section 184.80. Mobile Food Facilities shall comply with the good neighbor policies set forth in Public Works Code Section 184.94.

MOH. *The Mayor's Office of Housing and Community Development or its successor.*

Mortuary. *A Retail Sales and Services Use that provides funeral services, funeral preparation, or burial arrangements, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods. In RH, RM, RTO, and RC Districts only, this use includes Columbarium use, which provides for the storage of cremated remains in niches.*

Motel. *A Retail Sales and Services Use that includes an auto court, motor lodge, tourist court, or other facility similarly identified, contains rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient guests traveling by automobile, and where each sleeping unit is independently accessible from the outside. This use is subject to the controls listed in Section 202.2(a).*

Movie Theater. *A Retail Entertainment, Arts and Recreation Use that displays motion pictures, videos, slides, or closed-circuit television pictures. This use does not include an adult theater, which is regulated as an Adult Business. Removal of a Movie Theater is subject to the controls in Section 202.4.*

MTA. *The Municipal Transportation Agency or its successor.*

MTA Director. *The Director of MTA or his or her designee.*

Municipal Railway (Muni). *The public transit system owned by the City and under the jurisdiction of the MTA.*

N

Neighborhood Agriculture. *See Agriculture, Neighborhood.*

Neighborhood-Serving Business. *A neighborhood-serving business cannot be defined by the type of use, but rather by the characteristics of its customers, types of merchandise or service, its size, trade area, and the number of similar establishments in other neighborhoods. The primary clientele of a "neighborhood-serving business," by definition, is comprised of customers who live and/or work nearby.*

While a neighborhood-serving business may derive revenue from customers outside the immediately surrounding neighborhood, it is not dependent on out-of-neighborhood clientele.

A neighborhood-serving use provides goods and/or services which are needed by residents and workers in the immediate neighborhood to satisfy basic personal and household needs on a frequent and recurring basis, and which if not available require trips outside of the neighborhood.

A use may be more or less neighborhood-serving depending upon its trade area. Uses that, due to the nature of their products and service, tend to be more neighborhood-serving are those which sell convenience items such as groceries, personal toiletries, magazines, and personal services such as cleaners, laundromats, and film processing. Uses that tend to be less neighborhood-oriented are those which sell more specialized, more expensive, less frequently purchased comparison goods such as automobiles and furniture.

For many uses (such as stores selling apparel, household goods, and variety merchandise), whether a business is neighborhood-serving depends on the size of the establishment: the larger the use, the larger the trade area, hence the less neighborhood-oriented.

Whether a business is neighborhood-serving or not also depends in part on the number and availability of other similar establishments in other neighborhoods: the more widespread the use, the more likely that it is neighborhood-oriented.

Net Addition. *The total amount of gross floor area defined in Planning Code Section 102 contained in a development project, less the gross floor area contained in any structure demolished or retained as part of the proposed development project.*

Nighttime Entertainment. *See Entertainment, Nighttime.*

Non-Auto Vehicle Sales or Rental. *A Retail Sales and Service Use offering new or used bicycles, scooters, motorcycles, boats, or other marine vehicles for sale, rent, or lease when conducted entirely within an enclosed building.*

Non-Commercial Entertainment and Recreation. *See Entertainment and Recreation, Non-Commercial.*

Nonprofit Organization. *An organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701-23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.*

Non-Residential Use. *Space within any structure or portion thereof intended or primarily suitable for, or accessory to, occupancy by retail, office, commercial, or uses other than a Residential Use as defined in this Section. For the purposes of Article 4, residential components of Institutional Uses other than Religious Institutions shall be defined as a "residential use," and non-residential use shall not include PDR and publicly owned and operated community facilities.*

Non-Residential Use Size. *The permitted gross floor area allowed each individual non-residential use. Gross Floor Area is defined in this Section of the Code.*

Non-Retail Use. *A type of Commercial Use that involves the sale of goods or services to other businesses rather than the end user, or that does not provide for direct sales to the general public on*

site. Uses in this category include, but are not limited to, Non-Retail Sales and Service Uses and Non-Retail Automotive Uses.

Notice of Special Restrictions. *A document recorded with the San Francisco Recorder's Office for any unit subject to this Program detailing the sale and resale or rental restrictions and any restrictions on purchaser or tenant income levels included as a Condition of Approval of the principal project relating to the unit.*

O

Occupied Floor Area. *See Floor Area, Occupied.*

Office, General. *A Non-Retail Sales and Service Use that includes space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location, services including, but not limited to, the following: professional, banking, insurance, management, consulting, technical, sales, and design; and the non-accessory office functions of manufacturing and warehousing businesses, multimedia, software development, web design, electronic commerce, and information technology. This use shall exclude Non-Retail Professional Services as well as Retail Uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.*

Office Use. *A grouping of uses that includes General Office, Retail Professional Services, and Non-Retail Professional Services. This use shall exclude: retail uses other than Retail Professional Services; repair; any business characterized by the physical transfer of tangible goods to customers on*

the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

~~***SEC. 102.18.***~~ **One Ownership.** Ownership of a parcel or contiguous parcels of property or possession thereof under a contract to purchase by a person or persons, firm, corporation or partnership, individually, jointly, in common, or in any other manner whereby such property is under single or unified control. The term shall include condominium ownership. The term "owner" shall mean the person, firm, corporation or partnership exercising one ownership as herein defined.

Open Air Sales. *A Commercial Use Characteristic generally categorized as a Retail Sales and Service Use that involves open air sale of new and/or used merchandise, except vehicles, but including agricultural products, crafts and/or art work.*

Open Recreation Area. *A Non-Commercial Entertainment, Arts and Recreation Use that is not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business, and is devoted to outdoor recreation such as golf, tennis, or riding.*

~~***SEC. 102.19.***~~ **Open Space, Required.** Any front setbacks, side or rear yards, courts, usable open space or other open area provided in order to meet the requirements of this Code.

~~***SEC. 102.20.***~~ **Open Use.** Any use of a lot that is not conducted within a ~~b~~Building.

~~***SEC. 102.32.***~~ **Ornamental Fencing.** A decorative metal fence ~~*shall be*~~ made of wrought iron or fencing that gives the appearance of wrought-iron fencing, but expressly excludes plastic-based materials, barbed wire, similar non-decorative fences as well as traditional

chain-link or woven wire fences. Chain-link or woven wire fences may be used if the fencing visible from the public right-of-way is bordered by rails on the top and bottom and has well-built columns that are at least 8" *inches* wide and are topped with caps. The columns shall be spaced no more than 8' *feet* apart.

Outdoor Activity Area. *A Commercial Use characteristic defined as an area associated with a legally established use, not including primary circulation space or any public street, located outside of a building or in a courtyard, which is provided for the use or convenience of patrons of a commercial establishment including, but not limited to, sitting, eating, drinking, dancing, and food-service activities.*

P

Parcel Delivery Service. *See Service, Parcel Delivery.*

Parking Garage, Private. *A Non-Retail Automotive Use that provides temporary parking accommodations for automobiles, trucks, vans, bicycles, or motorcycles in a garage not open to the general public, without parking of recreational vehicles, mobile homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in Sections 155, 156, 157, and other provisions of Article 1.5 of this Code.*

Parking Garage, Public. *A Retail Automotive Use that provides temporary parking accommodations for automobiles, trucks, vans, bicycles, or motorcycles in a garage open to the general public, without parking of recreational vehicles, mobile homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in Sections 155, 156, 157, and other provisions of Article 1.5 of this Code.*

Parking Lot, Private. *A Non-Retail Automotive Use that provides temporary off-street parking accommodations for private automobiles, trucks, vans, bicycles, or motorcycles on an open lot or lot surrounded by a fence or wall not open to the general public, without parking of recreational vehicles, motor homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in Sections 155, 156, 157, and other provisions of Article 1.5 of this Code.*

Parking Lot, Public. *A Retail Automotive Use that provides temporary parking accommodations for private automobiles, trucks, vans, bicycles, or motorcycles on an open lot or lot surrounded by a fence or wall open to the general public, without parking of recreational vehicles, motor homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in Sections 155, 156, 157, and other provisions of Article 1.5 of this Code.*

Passive Outdoor Recreation*. A Non-Commercial Entertainment, Arts and Recreation Use defined as an open space used for passive recreational purposes that is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include, but not necessarily be limited to, a park, playground, or rest area.*

PDR Use. *See Production, Distribution, and Repair Use.*

~~***SEC. 102.33.***~~ **Permeable Surfaces.** Permeable surfaces are those that allow stormwater to infiltrate the underlying soils. Permeable surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt, porous concrete, single-sized aggregate,

open-jointed blocks, stone, pavers, or brick that are loose-set and without mortar. Permeable surfaces are required to be contained so neither sediment nor the permeable surface discharges off the site.

Pharmacy. *A Retail Sales and Service Use in which the profession of pharmacy is practiced and where prescriptions are compounded and offered for sale. This Section shall not be construed to limit any qualifying pharmacy from offering other retail goods in addition to prescription pharmaceuticals. Pharmacies are subject to controls in Section 202.2(a).*

Philanthropic Facility*. See Social Service or Philanthropic Facility.*

~~***SEC. 102.21.***~~ **Plan Dimensions.** The linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls. The "length" of a building or structure is the greatest plan dimension parallel to an exterior wall or walls and is equivalent to the horizontal dimension of the corresponding elevation of the building or structure at that level. The "diagonal dimension" of a building or structure is the plan dimension between the two most separated points on the exterior walls.

Planning Commission (Commission). *The San Francisco Planning Commission.*

Planning Department (Department). *The San Francisco Planning Department. For purposes of Article 4, may include the Planning Department's designee, including the Mayor's Office of Housing and other City agencies or departments.*

Post-Secondary Educational Institution. *An Institutional Education Use, public or private, that is certified by the Western Association of Schools and Colleges, provides educational services such as a college or university, and has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories*

and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.

Power Plant. *A Industrial Use defined as a steam, fossil-fuel, or any other type of thermal power plant. A Power Plant shall mean each individual power generation unit capable of independent operation, but shall not include on-site power generation units less than ten megawatts in size. Intensification of a Power Plant use requires Conditional Use authorization per Section 178(c), and is subject to the controls in Section 202.2(d).*

Principal Façades. *See Façades, Principal.*

Production, Distribution, and Repair (PDR) Use. *A grouping of uses that includes, but is not limited, to all Industrial and Agricultural Uses, Ambulance Services, Animal Hospital, Automotive Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business Services, Cat Boarding, Catering Service, Commercial Storage, Kennel, Motor Vehicle Tow Service, Livery Stable, Parcel Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, Trade Shop, Wholesale Sales, and Wholesale Storage.*

Public Facility. *An Institutional Use that consists of publicly or privately owned use that provides public services to the community, whether conducted within a building or on an open lot, and which has operating requirements that necessitate location within the district and is in compliance with the General Plan, including civic structures (such as museums, post offices, administrative offices of government agencies), public libraries, police stations, and transportation facilities. Such use shall not include service yards, machine shops, garages, incinerators, and publicly operated parking in a garage or lot (Public Automobile Parking Garages and Lots).*

Public Transportation Facility. *A Utility and Infrastructure Use involving passenger terminal facilities for mass transportation of a single or combined modes including, but not limited to, aircraft, ferries, fixed-rail vehicles and buses, whether public or privately owned or operated, when in conformity with the General Plan. In Districts where such uses are permitted, conditional use authorization shall be required if the facility is: (a) an Automotive Use, as defined in this Section; and (b) other than a boarding platform, bus stop, transit shelter, or similar ancillary feature of a transit system; or(c) a landing field for aircraft.*

Public Utilities Yard. *A Utility and Infrastructure Use that is defined as a service yard for public utility, or public use of a similar character, if conducted entirely within an area completely enclosed by a wall or concealing fence not less than six feet high.*

Q

None.

R

Rear Façade. *See Façade, Rear.*

Recreation. *See Entertainment and Recreation Use.*

Religious Institution. *An Institutional Community Use with a tax-exempt status as a religious institution granted by the United States Government and that is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.*

Replacement of Use. *The total amount of Gross Floor Area, as defined in Section 102 of this Code, to be demolished and reconstructed by a development project.*

Required Open Space. *See Open Space, Required.*

Residential Building. *Any structure containing one or more Residential Units as a principal use, regardless of any other uses present in the building.*

Residential Care Facility. *An Institutional Healthcare Use providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility that gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services, and shall be located in a structure which remains residential in character. Such facilities shall include, but not necessarily be limited to, a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases, or psychological disorders.*

Residential Hotel. *See Hotel, Residential.*

Residential Unit. *A legal conforming or non-conforming Dwelling Unit or a legal non-conforming Live/Work Unit*

Residential Use. *A Use Category consisting of uses that provide housing for San Francisco residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels, and Senior Housing, and for the purposes of Article 4 only any residential components of Institutional Uses. Single Room Occupancy and Student Housing designations are consider characteristics of certain Residential Uses.*

Restaurant. *A Retail Sales and Service Use that serves prepared, ready-to-eat cooked foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food use as defined by Planning Code Section 790.122 as a minor and incidental use. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or*

75); however, if it does so, it shall be required to operate as a Bona Fide Eating Place as defined in Section 790.142. It is distinct and separate from a Limited-Restaurant. Such businesses shall operate with the specified conditions in Section 202.2(a).

It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.34. Any associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in this Code.

Restaurant, Limited. *A Retail Sales and Service Use that serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an accessory use as set forth in Section 703.2(b)(1)(C)(v). It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries meeting the above characteristics, but it is distinct from a Restaurant, and a Bar. It may also operate as a Take-Out Food use. It shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi). Such businesses shall operate with the specified conditions in Section 202.2(a).*

Retail Entertainment, Arts and Recreation. *See Entertainment, Arts and Recreation, Retail.*

Retail Sales and Service, General. *A Retail Sales and Service Use that provides goods and/or services to the general public and that is not listed as a separate Retail Sales and Service Use in this Section of the Code.*

Retail Use. *A Commercial Use that includes uses that involve the sale of goods, typically in small quantities, or services directly to the ultimate consumer or end user including, but not limited to, Retail Sales and Service Uses, Commercial Entertainment, Arts and Recreation Uses, and Retail Automotive Uses.*

S

Sales and Services, Non-Retail. *A Commercial Use category that includes uses that involve the sale of goods or services to other businesses rather than the end user, or that does not provide for direct sales to the consumer on site. Uses in this category include, but are not limited to: Business Services, Catering, Laboratory, Life Science, Commercial Storage, Design Professional, Non-Retail Professional Service, General Office, Wholesale Sales, Wholesale Storage, and Trade Office.*

Sales and Services, Retail. *A Commercial Use Category that includes uses that involve the sale of goods, typically in small quantities, or services directly to the ultimate consumer or end user with some space for retail service on site excluding Retail Entertainment Arts and Recreation, and Retail Automobile Uses and including, but not limited to: Adult Business, Animal Hospital, Bar, Cat Boarding, Fringe Financial Services, Tourist Oriented Gift Store, General Grocery Store, Specialty Grocery Store, Gym, Hotel, Jewelry Store, Kennel, Liquor Store, Massage Establishment, Chair and Foot Massage, Mobile Food Facility, Mortuary (Columbarium), Non-Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service, Financial Services, Limited Financial Services, Health Services, Motel, Personal Services, Retail Professional Services, Self-Storage, Take-Out Food Facility, Tobacco Paraphernalia Store, and Trade Shop.*

San Francisco. *The City and County of San Francisco.*

School. *An Institution Educational Use, public or private, certified by the Western Association of Schools and Colleges that provides educational instruction to students in kindergarten through twelfth grade. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. This use is distinct and separate from a Post-Secondary Educational Institution, which is defined under this Section of the Code.*

Senior Housing. *A Residential Use defined as dwellings that are specifically designed for and occupied by senior citizens. Senior Housing is subject to the conditions listed in Section 202.2(h).*

Service, Ambulance. *A Non-Retail Automotive Use that provides medically related transportation services.*

Service, Business. *A Non-Retail Sales and Service Use that provides the following kinds of services to businesses and/or to the general public and does not fall under the definition of Office: radio and television stations, newspaper bureaus, magazine and trade publication publishing, microfilm recording, slide duplicating, bulk mail services, parcel shipping services, parcel labeling and packaging services, messenger delivery/courier services, sign painting and lettering services, or building maintenance services.*

Service, Financial. *A Retail Sales and Service Use that provides banking services and products to the public, such as banks, savings and loans, and credit unions, when occupying more than 15 feet of linear frontage or 200 square feet of gross floor area. Any applicant for a financial service use shall provide the Planning Department with a true copy of the license issued to it by the State of California.*

Service, Fringe Financial. *A Retail Sales and Service Use that provides banking services and products to the public and is owned or operated by a "check casher" as defined in California Civil Code Section 1789.31, as amended from time to time, or by a "licensee" as defined in California*

Financial Code Section 23001(d), as amended from time to time. Any applicant for a fringe financial service use shall provide the Department with a true copy of the license issued to it by the State of California. A Nonprofit Fringe Financial Service shall mean a Fringe Financial Service that is exempted from payment of income tax under Section 23701(d) of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. Any such Nonprofit Fringe Financial Service shall provide the Planning Department with a true copy(ies) of its income tax documentation demonstrating its exemption from payment of income tax under State and Federal Law. A new Fringe Financial Service, with the exception of a Nonprofit Fringe Financial Service, shall not locate within one-quarter mile of an existing Fringe Financial Service.

***Service, Health**. A Retail Sales and Service Use that provides medical and allied health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists, chiropractors, or any other health-care professionals when licensed by a State-sanctioned Board overseeing the provision of medically oriented services. It includes a clinic, primarily providing outpatient care in medical, psychiatric, or other health services, and not part of a Hospital or medical center, as defined by this Section of the Code. It also includes a massage establishment, as defined by Sections 29.1 through 29.32 of the Health Code, that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600, et seq., and one that employs or uses only persons certified by the State's Massage Therapy Organization, pursuant to the California Business and Professions Code Section 4600, et seq.*

***Service, Instructional.** A Retail Sales and Service Use that includes instructional services not certified by the State Educational Agency, such as art, dance, exercise, martial arts, and music classes.*

Service, Limited Financial. *A Retail Sales and Service Use that provides banking services, when not occupying more than 15 feet of linear frontage or 200 square feet of gross floor area. Automated teller machines, if installed within such a facility or on an exterior wall as a walk-up facility, are included in this category; however, these machines are not subject to the hours of operation, as defined in this Section of the Code and as set forth in the respective zoning district. Any applicant for a limited financial service use shall provide the Planning Department with a true copy of the license issued to it by the State of California.*

Service, Motor Vehicle Tow. *A Non-Retail Automotive Use that provides vehicle towing service, including accessory vehicle storage, when all tow trucks used and vehicles towed by the use are parked or stored on the premises.*

Service, Non-Retail Professional. *A Non-Retail Sales and Service Office Use that provides professional services to other businesses including, but not limited to, accounting, legal, consulting, insurance, real estate brokerage, advertising agencies, public relations agencies, computer and data processing services, employment agencies, management consultants and other similar consultants, telephone message services, and travel services. This use may also provide services to the general public but is not required to. This use shall not include research services of an industrial or scientific nature in a commercial or medical laboratory, other than routine medical testing and analysis by a health-care professional or hospital.*

Service, Parcel Delivery. *A Non-Retail Automotive Use limited to facilities for the unloading, sorting, and reloading of local retail merchandise for home deliveries where the operation is conducted entirely within a completely enclosed building, including garage facilities for local delivery trucks, but*

excluding repair shop facilities. Where permitted in PDR Districts, this use is not required to be operated within a completely enclosed building.

Service, Personal. *A Retail Sales and Services Use that provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses, and steam rooms. Personal Service does not include Massage Establishments or Gym, which are defined separately in this Section.*

Service, Philanthropic Administrative. *An Institutional Community use that provides executive, management, administrative, and clerical services and support related to philanthropic activities that serve non-profit institutions and organizations; such philanthropic activities may include funding and support of eductional, medical, environmental, cultural, and social services institutions and organizations. Such uses:*

(a) may not be located on the first story of buildings where the most recent prior use was any use other than residential or office; and

(b) may be located in a single undivided space not physically separated from a residential use; provided that:

(1) any Residential Conversion above the first story, associated with, or following commencement of such use, shall be considered a conditional use requiring approval pursuant to Section 703.2(b)(1)(B); and

(2) any loss of Dwelling Units described in Section 317 of this Code shall require approval as provided in Section 317.

Service, Retail Professional. *A Retail Sales and Service Use that provides to the general public, general business, or professional services including, but not limited to, management, clerical,*

accounting, legal, consulting, insurance, real estate brokerage, and travel services. It may provide services to the business community, provided that it also provides services to the general public. Otherwise, it shall be considered a Non-Retail Professional Service Use as defined in this Section of the Planning Code.

This use does not include research service of an industrial or scientific nature in a commercial or medical laboratory, other than routine medical testing and analysis by a health-care professional or hospital.

Shipyard. *An Industrial Use that includes the building and repairing of ships.*

Single Room Occupancy (SRO) Unit. *A Residential Use characteristic, defined as a Dwelling Unit or Group Housing room consisting of no more than one occupied room with a maximum gross floor area of 350 square feet and meeting the Housing Code's minimum floor area standards. The unit may have a bathroom in addition to the occupied room. As a Dwelling Unit, it would have a cooking facility and bathroom. As a group housing room, it would share a kitchen with one or more other single room occupancy unit/s in the same building and may also share a bathroom. A single room occupancy building (or "SRO" building) is one that contains only SRO units and accessory living space.*

Small Enterprise Workspace (S.E.W.). *An S.E.W. is a use comprised of discrete workspace units of limited size that are independently accessed from building common areas. S.E.W.'s are subject to the controls listed in Section 202.2(g)*

Social Service or Philanthropic Facility. *An Institutional Community Use providing assistance of a charitable or public service nature, and not of a profit-making or commercial nature.*

SOMA. *The area bounded by Market Street to the north, The Embarcadero to the east, King Street to the south, and South Van Ness and Division Streets to the west.*

Specialty Grocery. *See Grocery, Specialty.*

Sports Stadium. *A Retail Entertainment, Arts and Recreation Use that includes any open-air sports stadium or arena, if conducted on premises not less than 200 feet from any R District.*

Storage, Commercial. *A Non-Retail Sales and Service Use defined as a facility that stores within an enclosed building: contractors' equipment, building materials, or goods or materials used by other businesses at other locations. This use shall not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.*

Storage, Self. *A Retail Sales and Service Use defined as a facility that stores, within an enclosed building, household and personal goods.*

Storage, Volatile Materials. *An Industrial Use defined as bulk storage of inflammable, highly combustible, or explosive materials.*

Storage, Wholesale. *A Non-Retail Sales and Service Use defined as a facility that stores, within an enclosed building, wholesale merchandise that is not accessory to a Wholesale Sales use. This use includes cold storage facilities, but not storage of inflammables or hazardous materials, which is covered under Hazardous Materials Storage.*

Storage Yard. *An Industrial Use involving the storage of building materials or lumber, stones or monuments, livestock feed, or contractors' equipment, if conducted within an area enclosed by a wall or concealing fence not less than six feet high. This use does not include Vehicle Storage or a Hazardous Waste Facility.*

~~***SEC. 102.23.***~~ **Story.** That portion of a building~~*, except a mezzanine as defined in the Building Code,*~~ included between the upper surface of any floor and the upper surface of the floor next

above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Any mezzanine, or intermediate level, shall be considered part of a story constituted by another floor provided it is an open and integral part of the story or room of which it is a portion. There shall be only one such mezzanine per story and it shall have a minimum glazed or unglazed opening of 50 percent on the interior side of the room or story and an area not exceeding one-third of the floor area of the story or room in which it is located. Any mezzanine not meeting these criteria shall be considered a separate story.

(a) ***First Story****. The highest building story with a floor level that is not more than six feet above grade at the centerline of the frontage of the lot where grade is defined.*

(1) ***Grade.*** *For purposes of this definition, "grade" is the point of elevation of the finished surface of the ground, paving, or sidewalk at the property line located along primary frontage, i.e., any street frontage between two consecutive streets or alleys where the total street frontage is entirely within an NC District. If the lot has more than one property line or no property line located along primary frontage, the Zoning Administrator shall choose the property line facing a street or alley where the grade is defined. In such situations, the Zoning Administrator shall favor streets that serve as major transportation routes, major or secondary thoroughfares, and streets along which other commercial districts are located. When the property line is five feet or more from the building frontage, grade shall be taken at the surface of the ground, paving, or sidewalk along the building frontage.*

(2) Provisions in Section 260 of this Code shall apply in defining the point of measurement at grade, where the building steps laterally in relation to the street used to define grade.

(b) ***Second Story****. The story above the first story.*

(c) ***Third Story and Above.*** *The story or stories above the second story and below the ceiling of the topmost story of a building.*

(d) ***Basement.*** *Space located below the first story of a building when such space is of sufficient floor to ceiling height for legal occupancy.*

~~***SEC. 102.24. STORY, GROUND.*** *The lowest story of a building, other than a basement or cellar as defined in the Building Code.*~~

~~***SEC. 102.25.***~~ **Street.** A right-of-way, 30 feet or more in width, permanently dedicated to common and general use by the public, including any avenue, drive, boulevard, or similar way, but not including any freeway or highway without a general right of access for abutting properties.

~~***SEC. 102. 27***~~**. Structural Alterations.** Any change in the supporting members of a ~~*b*~~*B*uilding, such as bearing walls, columns, beams, or girders.

~~***SEC. 102.26.***~~ **Structure.** Anything constructed or erected that requires fixed location on the ground or attachment to something having fixed location on the ground.

~~***SEC. 102.36.***~~ **Student Housing.** ~~*Student Housing is*~~ *A Residential Use characteristic* defined as a living space for students of accredited ~~*p*~~*P*ost-~~*s*~~*S*econdary Educational Institutions that may take the form of ~~*d*~~*D*welling ~~*u*~~*U*nits, ~~*g*~~*G*roup ~~*h*~~*H*ousing, or ~~*a*~~ SRO *Unit* and is owned, operated, or otherwise controlled by an accredited Post-Secondary Educational Institution ~~*as defined in Section 209.3(i) of this Code*~~. Unless expressly provided for elsewhere in this Code, the use of Student Housing is permitted where the form of housing is permitted in the underlying Zoning District in which it is located. Student Housing may consist of all or part of a

building, and Student Housing owned, operated, or controlled by more than one ~~p~~Post-~~s~~Secondary Educational Institution may be located in one building.

T

Take-Out Food. *Retail Sales and Service Use without seating that provides ready-to-eat food to a high volume of customers, who carry out the food for off-premises consumption. It sells in disposable wrappers or containers ready-to-eat food, which is prepared on the premises and generally intended for immediate consumption off the premises.*

It includes, but is not limited to, delicatessens, ice cream and cookie stores, and retail bakeries. It does not include retail grocery stores with accessory take-out food activity, as described in Section 703.2(b)(1)(C) of this Code, or retail uses that sell prepackaged or bulk ready-to-eat foods with no on-site food preparation area, such as confectionery or produce stores.

It may provide off-site beer, wine, and/or liquor sales for consumption off the premises (with ABC license 20 or 21).

Tobacco Paraphernalia Establishment. *A Retail Sales and Service Use where more than 10 percent of the square footage of occupied floor area, as defined in Section 102, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing, or marketing of Tobacco Paraphernalia from one person to another. For purposes of Sections 719, 719.1, 786, 723, and 723.1 of this Code, Tobacco Paraphernalia Establishments shall mean retail uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California*

Health and Safety Code Sections 11054, et seq. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.

Trade Offices. *A Non-Retail Sales and Service Use that includes business offices of building, plumbing, electrical, painting, roofing, furnace, or pest control contractors, if no storage of equipment or items for wholesale use are located on site. It may also include incidental accessory storage of office supplies and samples if located entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of an R District, and if the storage of equipment and supplies does not occupy more than of the total gross floor area of the use. No processing of building materials, such as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking, loading, and unloading of all vehicles used by the contractor shall be located entirely within the building containing the use.*

Trade School. *An Institutional Education Use, public or private, where industrial arts is the primary course of study. Such use is not required to submit an institutional master plan pursuant to Section 304.5 of this Code.*

Trade Shop. *A Retail Sales and Service Use that provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not limited to:*

(a) Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;

(b) Upholstery services;

(c) Carpentry;

(d) Printing of a minor processing nature, including multi-copy and blueprinting services and printing of pamphlets, brochures, resumes, and small reports, but excluding printing of books, magazines, or newspapers;

(e) Tailoring; and

(f) Other artisan craft uses, including fine arts uses. Arts Activities and Light Manufacturing shall be considered distinct from Trade Shops.

***Treasurer**. The Treasurer for the City and County of San Francisco.*

***Truck Terminal**. An Industrial Use where trucks meet and transfer goods to each other for shipment to other places.*

U

***Urban Agriculture**. See Agriculture, Urban.*

~~***SEC. 102.28.***~~ **Use.** The purpose for which land or a structure, or both, are legally designed, constructed, arranged, or intended, or for which they are legally occupied or maintained, let, or leased.

***Use Size (Non-Residential)**. See Non-Residential Use Size.*

***Utility and Infrastructure**. A Use Category that includes Community Recycling Center, Internet Service Exchange, Public Transportation Facility, Public Utilities Yard, Wireless Telecommunications Service (WTS) Facility, and Utility Installation.*

***Utility Installation**. A Utility and Infrastructure Use that includes, but is not necessarily limited to, water, gas, electric, transportation, or communications utilities, or public service facility, provided*

that operating requirements necessitate placement at this location. This use does not include Wireless Telelcommunication Facilities, or Public Transportation Facilities, as defined in this Section of the Code.

V

Vehicle Storage Garage. *A Retail Automotive Use that provides for the storage of buses, recreational vehicles, mobile homes, trailers, or boats and/or storage for more than 72 hours of other vehicles in an enclosed structure. It shall not include rooftop storage. A Vehicle Storage Garage shall comply with the street frontage requirements of the district in which it is located.*

Vehicle Storage Lot. *A Retail Automotive Use that provides for the storage of buses, recreational vehicles, mobile homes, trailers, or boats and/or storage for more than 72 hours of other vehicles on an open lot. It shall not include rooftop storage. Vehicle Storage Lots shall comply with the Screening and Greening requirements of Section 142.*

~~***SEC. 102.31.***~~ **Vehicular Use Areas.** ~~*Vehicular use areas are defined as any*~~ *An* area of a lot not located within any enclosed or partially enclosed structure and that is devoted to a use by or for motor vehicles including parking (accessory or non-accessory); and ~~a~~*A*utomotive ~~u~~*U*ses ~~*as defined in Section 223*~~ that are not enclosed by a structure including, but not limited to, storage of automobiles, trucks or other vehicles; gasoline stations; car washes; motor vehicle repair shops; loading areas; and service areas. Vehicular use areas shall be subject to landscaping and screening requirements of Section 142(b). ~~*under the following circumstances:*~~

~~*(a) Construction or installation of any vehicular use area;*~~

~~*(b) Existing vehicular use areas that are accessory to an existing principal use if the property will add gross floor area equal to 20 percent or more of the gross floor area of the existing buildings on the lot or 3,000 square feet, whichever is less;*~~

~~*(c) The repair, rehabilitation or expansion of any existing vehicular use are, if such change would increase the number of existing parking spaces by 4 or more spaces; or*~~

~~*(d) The excavation and reconstruction of an existing vehicular use area if such excavation involves the removal of 200 square feet or more of the asphalt, concrete or other pavement devoted to vehicular use. This provision does not apply to resurfacing of pavement due to emergency work on underground storage tanks, other emergency utility access, or in response to a public health and safety action required by the local, state, or federal government.*~~

W

Waiver Agreement. *An agreement acceptable in form and substance to the City Attorney and the Planning Department under which the City agrees to waive all or a portion of the Community Improvements Impact Fee.*

Walk-Up Facility. *A Use Characteristic defined as a structure designed for provision of pedestrian-oriented services when located on an exterior building wall, including window service, self-service operations, and automated bank teller machines (ATMs).*

Wholesale Sales. *A Non-Retail Sales and Service Use that exclusively provides goods or commodities for resale or business use, including accessory storage. It shall not include a nonaccessory storage warehouse.*

~~***SEC. 102.30.***~~ **Width~~,~~ *of a* Street or Alley.** Unless specified elsewhere in this Code, the width of a street or alley shall be the distance measured along a line that is perpendicular to the centerline of that street or alley and extends from the mid-point of the front property line of a given parcel to a front property line on the opposite side of that street or alley.

Wireless Telecommunication Services (WTS) Facility*: A Utility and Infrastructure Use defined as facility that sends and/or receives wireless radio frequency (RF) signals, AM/FM, microwave, or electromagnetic waves, to provide transmission of voice, data, images or other information; including*

but not limited to digital (previously "cellular") mobile phone service, personal communication service and paging services.

Such facilities include, but are not limited to, directional (panel), omni-directional (whip) and parabolic antennas, related electronic equipment, power sources, screening elements, supporting equipment, towers and structures.

The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting Antennas, nor does this definition include facilities deemed exempt by Federal Communications Commission's Over The Air Receiving Device (FCC OTARD) rules. A WTS Facility is also referred to as a "Personal Wireless Services Facility."

X, Y, Z

None.

~~***SEC. 121.5. DEVELOPMENT OF LARGE LOTS, RESIDENTIAL DISTRICTS.***~~

~~*In order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as conditional uses subject to the provisions set forth in Sections 303 of this Code.*~~

~~*District*~~	~~*Lot Size Limit*~~
~~*RTO, RTO-M*~~	~~*10,000*~~

~~*In addition to the criteria of Section 303(c)(1) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:*~~

~~*(1) The mass and articulation of the proposed structures are compatible with the intended scale of the district.*~~

~~*(2) For development sites greater than ½ acre, the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular circulation.*~~

~~*(3) The site plan, including the introduction of new streets and alleys, the provision of open space and landscaping, and the articulation and massing of buildings, is compatible with the goals and policies of the applicable Area Plan in the General Plan.*~~

~~**SEC. 121.8. USE SIZE LIMITS (NON-RESIDENTIAL), PDR-1-B AND PDR-2 DISTRICTS.**~~

~~*In order to preserve land and building space for light industrial activities, non-accessory retail and office uses that exceed the square footage stated in the table below shall not be permitted in PDR-1-B and PDR-2 Districts. The use area shall be measured as the occupied floor area of all retail or offices activities on a lot, as defined in the land use controls for PDR Districts in Section 218 (Retail Sales and Personal Services) and Section 219 (Offices) of this Code. Additionally, a cumulative use size maximum applies in PDR-1-B and PDR-2 Districts, such that the combined floor area of any and all uses permitted by Sections 218 and 219 may not exceed the limits stated in the table below for any given lot.*~~

~~*These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3 of this Code.*~~

~~*District*~~	~~*Cumulative Use Size Limit, All Uses per Section 218*~~	~~*Cumulative Use Size Limit, All Uses per Section 219*~~	~~*Total Size Maximum, All Uses*~~

			~~*per Sections 218 and 219 Combined*~~
~~*PDR-1-B*~~	~~*2,500 sq. ft.*~~	~~*5,000 sq. ft.*~~	~~*7,500 sq. ft.*~~
~~*PDR-2*~~	~~*2,500 sq. ft.*~~	~~*5,000 sq. ft.*~~	~~*5,000 sq. ft.*~~

SEC. 121.9. SUBDIVISION OF LARGE LOTS, PDR DISTRICTS.

In order to promote, protect, and maintain viable space for a wide range of light industrial uses in PDR Districts, in furtherance of Objective 4 of the Commerce and Industry Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan, any proposal to subdivide, resubdivide, or perform a lot line adjustment to a parcel that is equal to or greater than 10,000 square feet, into one or more smaller parcels, shall be permitted only with conditional use approval.

Additionally, all proposals for the subdivision, resubdivision, or lot line adjustments of parcels in PDR Districts shall be evaluated in consideration of the following criteria in order to further Objective 4 of the Commerce and Industry Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan:

(~~*1*~~ *a*) The proposed parcelization will support light industrial activities in the district.

(~~*2*~~ *b*) If the resulting parcelization will require demolition of a structure, the demolition of the structure complies with the replacement requirement per Section 230.

(~~*3*~~ *c*) The uses proposed for the parcels, if any, comply with the cumulative use size limits *detailed in the PDR Zoning Control Table.* ~~*per Section 121.8, and other requirements of this Code.*~~

SEC. 124. BASIC FLOOR AREA RATIO.

(a) Except as provided in Subsections (b), (c), (d), (e) and (l) of this Section, the basic floor area ratio limits specified in *Zoning Control Table for the district in which the lot is located* ~~*the following table*~~ shall apply to each building or development in the districts indicated.

~~***TABLE 124***~~

~~***BASIC FLOOR AREA RATIO LIMITS***~~

~~*District*~~	~~*Basic Floor Area Ratio Limit*~~
~~*RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RTO, RTO-M*~~	~~*1.8 to 1*~~
~~*RM-3*~~	~~*3.6 to 1*~~
~~*RM-4*~~	~~*4.8 to 1*~~
~~*RC-1, RC-2*~~	~~*1.8 to 1*~~
~~*RC-3*~~	~~*3.6 to 1*~~
~~*RC-4*~~	~~*4.8 to 1*~~
~~*RED, RED-MX*~~	~~*1.0 to 1*~~
~~*RSD, SPD*~~	~~*1.8 to 1*~~
~~*NC-1, NCT-1*~~	~~*1.8 to 1*~~
~~*NC-S*~~	

~~*Inner Clement*~~	
~~*Inner Sunset*~~	
~~*Outer Clement*~~	
~~*Haight*~~	
~~*North Beach*~~	
~~*Sacramento*~~	
~~*24th Street – Noe Valley*~~	
~~*West Portal*~~	
~~*NC-2, NCT-2, SoMa, Ocean Avenue*~~	
~~*Broadway*~~	
~~*Upper Fillmore*~~	
~~*Polk*~~	
~~*Valencia*~~	~~*2.5 to 1*~~
~~*24th Street-Mission*~~	
~~*Glen Park*~~	
~~*Folsom Street*~~	
~~*RCD*~~	

~~Castro~~	~~3.0 to 1~~
~~Hayes-Gough~~	
~~Upper Market~~	
~~Union~~	
~~NC-3, NCT-3, Mission Street~~	~~3.6 to 1~~
~~Chinatown R/NC~~	~~1.0 to 1~~
~~Chinatown VR~~	~~2.0 to 1~~
~~Chinatown CB~~	~~2.8 to 1~~
~~C-1, C-2~~	~~3.6 to 1~~
~~C-2-C~~	~~4.8 to 1~~
~~C-3-C~~	~~6.0 to 1~~
~~C-3-O~~	~~9.0 to 1~~
~~C-3-R~~	~~6.0 to 1~~

~~C-3-G~~	~~6.0 to 1~~
~~C-3-S~~	~~5.0 to 1~~
~~C-3-O (SD)~~	~~6.0 to 1~~
~~C-3-S (SU)~~	~~7.5 to 1~~
~~C-M~~	~~9.0 to 1~~
~~M-1, M-2~~	~~5.0 to 1~~
~~SLR, SLI~~	~~2.5 to 1~~
~~SSO and in a 40 or 50 foot height district~~	~~3.0 to 1~~
~~SSO and in a 65 or 80 foot height district~~	~~4.0 to 1~~
~~SSO and in a 130 foot height district~~	~~4.5 to 1~~
~~MUG, MUO, MUR, UMU, WMUG, WMUO, SALI, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 40, 45, or 48~~	~~3.0 to 1~~

~~*foot height district*~~	
~~*MUG, MUO, MUR, UMU, WMUG, WMUO, SALI, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 50, 55, or 58 foot height district*~~	~~*4.0 to 1*~~
~~*MUG, MUO, MUR, UMU, WMUG, WMUO, SALI, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 65 or 68 foot height district*~~	~~*5.0 to 1*~~
~~*MUG, MUO, MUR, UMU, WMUG, WMUO, SALI, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 85 foot height district*~~	~~*6.0 to 1*~~
~~*MUG, MUO, MUR, UMU, WMUG, WMUO, SALI, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a height district over 85 feet*~~	~~*7.5 to 1*~~

(b) In R, *RC*, NC, and Mixed Use Districts, ~~the above~~ floor area ratio limits shall not apply to dwellings or to other residential uses. In Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not be calculated as part of the floor area ratio.

* * * *

(f) For buildings in C-3-G and C-3-S Districts, other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for 20 years to households whose incomes are within 150 percent of the median income as defined herein, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code. For buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above up to the ~~g~~*G*ross ~~f~~*F*loor ~~a~~*A*rea of the existing building may be approved, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code, where: ~~(i)~~ *(1)* TDRs (as defined by Section 128(a)(5)) were transferred from the lot containing the Significant or Contributory building prior to the effective date of the amendment to Section 124(f) adding this paragraph when the floor area transferred was occupied by a non-profit corporation or institution meeting the requirements for exclusion from ~~G~~*G*ross ~~F~~*F*loor ~~A~~*A*rea calculation ~~*under Section 102.9(b)(15) of this Code*~~; ~~(ii)~~ *(2)* the additional square footage includes only the amount necessary to accommodate dwelling units and/or group housing units that are affordable for not less than 50 years to households whose incomes are within 60

percent of the median income as defined herein together with any social, educational, and health service space accessory to such units; and ~~(iii)~~ *(3)* the proposed change in use to dwelling units and accessory space and any construction associated therewith, if it requires any alternation to the exterior or other character defining features of the Significant or Contributory Building, is undertaken pursuant to the duly approved Permit to Alter, pursuant to Section 1110~~.~~; provided, however, that the procedures otherwise required for a Major Alteration as set forth in ~~s~~Sections ~~1111.2–1111.6~~ *1111.4 and 1111.5* and shall be deemed applicable to any such Permit to Alter.

(1) Any dwelling approved for construction under this provision shall be deemed a "designated unit" as defined below. Prior to the issuance by the Director of the Department of Building Inspection ("Director of Building Inspection") of a site or building permit to construct any designated unit subject to this Section, the permit applicant shall notify the Director of Planning and the Director of Property in writing whether the unit will be an owned or rental unit as defined in Section 401 of this Code.

(2) Within 60 days after the issuance by the Director of Building Inspection of a site or building permit for construction of any unit intended to be an owned unit, the Director of Planning shall notify the City Engineer in writing identifying the intended owned unit, and the Director of Property shall appraise the fair market value of such unit as of the date of the appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to the Director of Planning and the permit applicant. The permit applicant shall supply all information to the Director of Property necessary to appraise the unit, including all plans and specifications.

(3) Each designated unit shall be subject to the provisions of Section 413 of this Code. For purposes of this Subsection and the application of Section 413 of this Code to designated units constructed pursuant to this Subsection, the definitions set forth in Section 401 of this Code shall apply, with the exception of the following definitions, which shall supersede the definitions of the terms set forth in Section 401:

(A) "Base price" shall mean 3.25 times the median income for a family of four persons for the County of San Francisco as set forth in California Administrative Code Section 6932 on the date on which a housing unit is sold.

(B) "Base rent" shall mean 0.45 times the median income for the County of San Francisco as set forth in California Administrative Code Section 6932 for a family of a size equivalent to the number of persons residing in a household renting a designated unit.

(C) "Designated unit" shall mean a housing unit identified and reported to the Director by the sponsor of an office development project subject to this Subsection as a unit that shall be affordable to households of low or moderate income for 20 years.

(D) "Household of low or moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members ~~which~~ *that* does not exceed 150 percent of the qualifying limit for a median income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(E) "Sponsor" shall mean an applicant seeking approval for construction of a project subject to this Subsection and such applicants' successors and assigns.

(g) The allowable ~~g~~Gross ~~f~~Floor ~~a~~Area on a lot which is the site of an unlawfully demolished building that is governed by the provisions of Article 11 shall be the ~~g~~Gross ~~f~~Floor ~~a~~Area of the demolished building for the period of time set forth in, and in accordance with the provisions of, Section ~~1114~~ 1116 of this Code, but not to exceed the basic floor area permitted by this Section.

(h) In calculating the permitted floor area of a new structure in a C-3 District, the lot on which an existing structure is located may not be included unless the existing structure and the new structure are made part of a single development complex, the existing structure is or is made architecturally compatible with the new structure, and, if the existing structure is in a Conservation District, the existing structure meets or is made to meet the standards of Section 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic loads and forces of the ~~1975~~ Building Code. Determinations under this Paragraph shall be made in accordance with the provisions of Section 309.

(i) In calculating allowable gross floor area on a preservation lot from which any TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be decreased by the amount of gross floor area transferred.

(j) Within any RSD, SPD, SLR, SLI or SSO District, ~~l~~Live/~~w~~Work ~~u~~Units constructed above the floor area ratio limits in ~~pursuant to~~ Section 102~~.9(b)(19)~~ (Floor Area Ratio, subsection (b)(19)) of this Code shall be subject to the following conditions and standards:

(1) Considering all ~~d~~Dwelling ~~u~~Units and all ~~l~~Live/~~w~~Work ~~u~~Units on the lot, existing and to be constructed, there shall be no more than one ~~l~~Live/~~w~~Work ~~u~~Unit and/or ~~d~~Dwelling ~~u~~Unit per 200 square feet of lot area, except that, for projects in the RSD District

which will exceed 40 feet in height, and therefore are required to obtain conditional use approval, the allowable density for ~~d~~*D*welling ~~u~~*U*nits and ~~l~~*L*ive/~~w~~*W*ork ~~u~~*U*nits shall be established as part of the conditional use determination; and

(2) The parking requirement for ~~l~~*L*ive/~~w~~*W*ork ~~u~~*U*nits subject to this subsection shall be equal to that required for dwelling units within the subject district.

(k) For buildings in C-3-G and C-3-S Districts that are not designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of a project, or portion thereof, that constitutes a Student Housing project, as defined in Section 102~~.36~~ of this Code. Such approval shall be subject to the conditional use procedures and criteria in Section 303 of this Code.

(l) In the Cesar Chavez/Valencia Streets Medical Use Special Use District, as described in Section 249.68 of this Code, the basic floor area ratio limit shall be 2.6 to 1, subject to Conditional Use Authorization of a ~~h~~*H*ospital~~, medical center or other medical institution~~.

SEC. 127. TRANSFER OF PERMITTED BASIC GROSS FLOOR AREA.

(a) **When Allowed.** The maximum permitted ~~g~~*G*ross ~~f~~*F*loor ~~a~~*A*rea for any building or development on a lot may be increased by transfer to such lot of basic ~~g~~*G*ross ~~f~~*F*loor ~~a~~*A*rea that is permitted *in the Zoning Control Table for the district in which the lot is located* ~~*under Section 124 of this Code*~~ but unbuilt upon an adjacent lot ~~*which*~~ *that* is occupied by a*n* historical, architectural or aesthetic landmark that has been so designated by the Board of Supervisors pursuant to Article 10 of this Code. For the purposes of this Section, an "adjacent lot" is one

~~which~~ that either abuts for a distance not less than 25 feet along a side or rear lot line of the lot to which the basic gross floor area transfer is made (hereinafter referred to as the "transferee lot"), or would so abut for such a distance if not separated solely by a street or an alley.

(b) **Amount of TDR Available for Transfer.** The maximum TDR available for transfer from a Transfer Lot consists of the difference between (1) the allowable gross floor area permitted on the Transfer Lot by Section 124 and (2) the gross floor area of the development located on the Transfer Lot.

(c) **Eligibility of Development Lots and Limitation on Use of TDR on Development Lots.** TDR may be used to increase the allowable ~~g~~Gross ~~f~~Floor ~~a~~Area of a development on a Development Lot if the following requirements and restrictions are satisfied:

(1) Transfer of Development Rights shall be limited to the following:

(A) The Transfer Lot and the Development Lot are located in a C-3 Zoning District; or

(B) the Transfer Lot contains a Significant building and is located in the South of Market Extended Preservation District, as set forth in Section 819, and the Development Lot is located in a C-3 District; or

(C) the Transfer Lot is in a P District adjacent to a C-3 District and meets the requirements established in subsection (a)(4) above and the Development Lot is located in a C-3 District; or

(D) the Transfer Lot is located in any C-3 District and contains an individual landmark designated pursuant to Article 10 and the Development Lot is located in any C-3 District.

(2) TDR may not be transferred for use on any lot on which is or has been located a Significant or Contributory building; provided that this restriction shall not apply if the designation of a building is changed to Unrated; nor shall it apply if the Historic Preservation Commission finds that the additional space resulting from the transfer of TDR is essential to make economically feasible the reinforcement of a Significant or Contributory building to meet the standards for seismic loads and forces of the Building Code, in which case TDR may be transferred for that purpose subject to the limitations of this Section and Article 11, including Section 1111.6. Any alteration shall be governed by the requirements of Sections 1111 to 1111.6.

(3) Notwithstanding any other provision of this Section, development on a Development Lot is limited by the provisions of this Code, other than those on floor area ratio, governing the approval of projects, including the requirements relating to height, bulk, setback, sunlight access, and separation between towers, and any limitations imposed pursuant to Section 309 review applicable to the Development Lot. The total allowable gross floor area of a development on a Development Lot may not exceed the limitation imposed by Section 123(c).

(d) **Limitations.** No transfer of permitted gross floor area shall serve to increase the total gross floor area permitted under this Code on the adjacent lot and the transferee lot taken together, either presently or prospectively. No building permit application shall be approved by the *Planning* Department ~~*of City Planning*~~ at any time, nor shall any building permit be issued by any City department at any time, if the result of such approval or issuance would be to increase the total permitted ~~g~~*G*ross ~~f~~*F*loor ~~a~~*A*rea of both such lots taken together

above such total as calculated on the basis of the floor area ratio limits prevailing at that time for such lots.

(e) **Completed Transfers.** Any transfer of permitted ~~g~~Gross ~~f~~Floor ~~a~~Area completed prior to the effective date of this Section shall be effective notwithstanding the location of the transferee lot outside the C-3-O District and notwithstanding the aggregate transfer of more than ½ the gross floor area permitted on the adjacent lot under the basic floor area ratio limit, provided all other conditions of this Section have been met.

(f) ***Restrictions on Transfer.*** Any restrictions or limitations imposed upon any lot by virtue of the transfer of ~~g~~Gross ~~f~~Floor ~~a~~Area permitted by this Section shall remain in effect notwithstanding an amendment of this Section which removes authorization for such a transfer.

SEC. 128. TRANSFER OF DEVELOPMENT RIGHTS IN C-3 DISTRICTS.

(a) **Definitions.**

(1) "Development Lot." A lot to which TDR may be transferred to increase the allowable gross floor area of development thereon beyond that otherwise permitted by ~~*Section 124*~~ *the Zoning Control Table for the district in which the lot is located.*

(2) "Owner of Record." The owner or owners of record in fee.

(3) "Preservation Lot." A parcel of land on which is either (A) a Significant or Contributory building (as designated pursuant to Article 11); or (B) a Category V Building that has complied with the eligibility requirement for transfer of TDR as set forth in Section 1109(c); or (C) a structure designated an individual landmark pursuant to Article 10 of this Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor's lot on

which the building is located at the time the ordinance or, as to Section 1109(c), resolution, making the designation is adopted, unless boundaries are otherwise specified in the ordinance.

(4) "Transfer Lot." A Preservation Lot located in a C-3 District from which TDR may be transferred. A lot zoned P (public) may in no event be a Transfer Lot unless a building on that lot is (A) owned by the City and County of San Francisco~~,~~; and (B) located in a P District adjacent to a C-3 District~~,~~; and (C) designated as an individual landmark pursuant to Article 10 of this Code, designated as a Category I Significant Building pursuant to Article 11 of this Code, or listed on the National Register of Historic Places~~,~~; and (D) the TDR proceeds are used to finance, in whole or in part, a project to rehabilitate and restore the building in accordance with the Secretary of Interior standards. For the purposes of Section 128(b), a lot zoned P ~~which~~ *that* satisfies the criteria of this ~~s~~Subsection (4) to qualify as a "Transfer Lot" shall be deemed to have an allowable gross floor area of 7.5:1 under Section 124.

(5) "Transferable Development Rights (TDR)." Units of gross floor area ~~which~~ *that* may be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a Transfer Lot to increase the allowable gross floor area of a development on a Development Lot.

(6) "Unit of TDR." One unit of TDR is one square foot of gross floor area.

(b) **Amount of TDR Available for Transfer.** The maximum TDR available for transfer from a Transfer Lot consists of the difference between (1) the allowable ~~g~~Gross ~~f~~Floor ~~a~~Area permitted on the Transfer Lot by *the Zoning Control Table for the district in which the lot is located* ~~Section 124~~; and (2) the ~~g~~Gross ~~f~~Floor ~~a~~Area of the development located on the Transfer Lot.

* * * *

SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE.

Streets and Alleys	Setbacks	Yards	Usable Open Space	
				* * * * (b) No obstruction shall be constructed, placed, or maintained in any such required open area except as specified in this Section.
				(c) The permitted obstructions shall be as follows:

x	x			* * * * (12) *Awnings, Canopies, and* ~~M~~*m*arquees~~, *awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR and SSO districts,*~~ and for Limited Commercial Uses in Residential and RTO Districts, as *defined in Section 102 and* regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code; * * * *

SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES ~~*IN LIMITED COMMERCIAL USES, NEIGHBORHOOD COMMERCIAL DISTRICTS, EASTERN NEIGHBORHOODS MIXED USE AND SOUTH OF MARKET MIXED USE DISTRICTS*~~.

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply to *all* ~~*Limited Commercial Uses, and in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use*~~ Districts.

In Residential and Residential Enclave Districts, awnings are permitted only for Limited Commercial Uses, as described in Section 186 of this Code, for Limited Commercial Uses permitted in landmark buildings by Section 186.3, and for Limited Corner Commercial Uses as described in Section 231 of this Code. Canopies and marquees are not permitted.

The addition or alteration of awnings, canopies, or marquees on a landmark site or in a historic district shall require a certificate of appropriateness~~,~~ in accordance with Section 1006, et seq. of this Code. Signage on awnings, canopies, and marquees may be further regulated by Article 6 of this Code.

(a) **Awnings.** Awnings, as defined in Section *102* ~~790.20~~ of this Code, shall be regulated~~*in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts*~~ *as set forth* below.

All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance *that* ~~*which*~~ shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any) exclusive of the ground story and mezzanine, *or extend above the bottom of a projecting upper-story window bay, or cover any belt cornice or horizontal molding,* provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower. *Where external piers or columns define individual storefront bays, an awning may not cover such piers or columns.*

(1) **Limited Commercial Uses and NC-1***, NCT-1, and CRNC* **Districts.** The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance. *Awnings for Commercial Uses in Residential and Residential Enclave Districts may be located only along the building frontage dedicated to commercial use and may not extend above the ground floor. Only awnings covered with cloth are permitted in the Residential Districts.*

(2) **All Other**~~*Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use*~~ **Districts.** When the width of all awnings is ~~*10*~~ *ten* feet or less along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed six feet, including any valance. When the

width of all awnings exceeds *ten*~~10~~ feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed four feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed four feet, including any valance.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

* * * *

(b) **Canopies.** Canopies, as defined in Section *102* ~~790.26~~ of this Code, shall be regulated ~~*in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts*~~ *as set forth* below.

(1) **Limited Commercial Uses and NC-1***, NCT-1, and CRNC* **Districts.** No canopy shall be permitted in any Limited Commercial Use or in any NC-1*, NCT-1, or CRNC* District.

(2) **All Other** ~~***Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use***~~**Districts.** The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point not closer than two feet from the curb. The outer column support shall be located in the outer *one-third* ~~*1/3*~~ of the sidewalk and shall be no less than four feet from the building face to ensure adequate clear space along the sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding the column supports and excluding any valance ~~*which*~~ *that*

may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than 20 feet from each other, measured from centerline to centerline.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

* * * *

(c) **Marquees.** Marquees, as defined in Section *102* ~~*790.58*~~ of this Code, shall be regulated ~~*in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts*~~ *as set forth* below.

(1) **Limited Commercial Uses and NC-1,** *NCT-1, and CRNC* **Districts.** No marquee shall be permitted in any Limited Commercial Use or in any NC-1, *NCT-1, or CRNC* District.

(2) **All Other** ~~***Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use***~~ **Districts.** The vertical distance from the top to the bottom of any marquee shall not exceed three feet, and the horizontal projection shall not extend beyond a point not closer than two feet from the curb.

(A) A marquee projecting more than ~~*2/3*~~ *two-thirds* of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the windowsill level exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

* * * *

(B) A marquee projecting less than *two-thirds* ~~2/3~~ of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building fa~~e~~cade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

* * * *

(C) A marquee projecting less than four feet from the property line and not exceeding two feet in thickness may extend over the total length of the building along the direction of the street. All portions of such marquee shall not be less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building fa~~e~~cade on which the marquee is placed, exclusive of ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

* * * *

~~***SEC. 136.2. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE IN MIXED USED DISTRICTS.***~~

~~*In additional to the limitations of limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply in Mixed Use Districts.*~~

~~*(a)* ***Awnings.*** *All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any), exclusive of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower.*~~

~~*(1)* ***Chinatown Residential Neighborhood Commercial District.*** *The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance.*~~

~~*(2)* ***All Other Mixed Use Districts.*** *When the width of all awnings is less than 10 feet along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed six feet, including any valance. When the width of all awnings exceeds 10 feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed four feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed four feet, including any valance.*~~

~~*(b)* ***Canopies.***~~

~~*(1)* ***Chinatown Residential Neighborhood Commercial District.*** *No canopy shall be permitted in any Residential Neighborhood Commercial District.*~~

~~(2) **All Other Mixed-use Districts**. The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point two feet from the curb. The outer column support shall be located in the outer 1/3 of the sidewalk and shall be no less than four feet from the building face to ensure adequate clear space along the sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed two feet, including any valance. All portions of any canopy, excluding the column supports and excluding any valance which may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than twenty feet from each other, measured from centerline to centerline.~~

~~(c) **Marquees.**~~

~~(1) **Chinatown Residential Neighborhood Commercial District.** No marquee shall be permitted in any Residential Neighborhood Commercial District.~~

~~(2) **All Other Mixed-Use Districts**. The vertical distance from the top to the bottom of any marquee shall not exceed three feet and the horizontal projection shall not extend beyond a point two feet from the curb.~~

~~(A) A marquee projecting more than 2/3 of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building, along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the windowsill level, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.~~

~~(B) A marquee projecting less than 2/3 of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than~~

~~*16 feet above the finished grade, nor higher than the windowsill level of windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. A separate building permit for a marquee shall be required for each building frontage.*~~

~~***SEC. 136.3. AWNINGS, CANOPIES AND MARQUEES IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.***~~

~~*(a)* ***Awnings.*** *Awnings, as defined in Section 790.20 of this Code, shall be permitted on the ground story and second story, subject to the following regulations:*~~

~~*(1) All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the story immediately above.*~~

~~*(2) When the width of all awnings on a single building is 10 feet or less along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed six feet, including any valance. When the width of all awnings on a single building exceeds 10 feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed four feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed four feet, including any valance.*~~

~~*(b)* ***Canopies.*** *Canopies, as defined in Section 790.26 of this Code, shall be permitted, subject to the following regulations:*~~

~~*(1) The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a line on the sidewalk not closer than two feet from the curb. The outer column support shall be located in the outer 1/3 of the sidewalk. The vertical distance from the top to the*~~

~~bottom of the canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding the column supports and excluding any valance which may be not less than seven feet above the finished grade, shall not be less than eight feet above the finished grade.~~

~~(c) **Marquees.** Marquees, as defined in Section 790.58 of this Code, shall be permitted, subject to the following regulations:~~

~~(1) The vertical distance from the top to the bottom of any marquee shall not exceed three feet and the horizontal projection shall not extend beyond a line on the sidewalk not closer than two feet from the curb.~~

~~(2) A marquee projecting more than of the distance from the property line to the curb shall not exceed 10 feet or 50 percent of the width of the building, along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the window-sill level of the floor immediately above. Each building frontage shall be considered separately.~~

~~(3) A marquee projecting less than of the distance from the property line to the curb shall not exceed 25 feet or 50 percent of the width of the building, along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level of the floor immediately above. Each building frontage shall be considered separately.~~

SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.

(a) **Purpose.** The purpose of this Section is to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use Districts.

(b) **Definitions.**

(1) **Development lot.** A "development lot" shall mean:

(A) Any lot containing a proposal for new construction~~,~~; or

(B) Building alterations ~~which~~ *that* would increase the gross square footage of a structure by 20 percent or more~~,~~; or

(C) In a building containing parking, a change of more than 50 percent of the building's gross floor area to or from residential uses, excluding residential accessory off-street parking.

(2) **Active use.** An "active use" shall mean any principal, conditional, or accessory use ~~which~~ *that* by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles.

(A) Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units ~~which~~ *that* provide direct, individual pedestrian access to a public sidewalk, and are consistent

with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(B) Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street.

(C) Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25~~%~~ *percent* of building frontage, whichever is larger.

(D) Public Uses *defined* ~~described~~ in *Section 102* ~~*790.80* and *890.80*~~ are considered active uses except utility installations.

* * * *

SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) **Purpose:** To support active, pedestrian-oriented commercial uses on important commercial streets.

(b) **Applicability.** The requirements of this Section apply to the following street frontages.

(1) Folsom Street for the entirety of the Rincon Hill DTR *and Folsom and Main Residential/Commercial Special Use Districts*, pursuant to Sections 827 and 249.1;

(2) *The entirety of the C-3-R District, along any block frontage that is entirely within such district or partly in such district and partly in the C-3-O District, where such block frontage faces a street 40 feet or more in width* ~~*Folsom Street for the entirety of the Folsom and Main Residential/Commercial Special Use District*~~;

(3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use District, from Fell Street to Market Street;

(4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown Residential Special Use District;

(5) Market Street, for the entirety of the *Upper Market NCT, NCT-3, and all C-3* ~~*Van Ness and Market Downtown Residential Special Use*~~ Districts;

(6) *Third* ~~*3rd*~~ Street, in the UMU districts for parcel frontages wholly contained within 100 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street;

(7) *Fourth* ~~*4th*~~ Street, between Bryant and Townsend in the SLI and MUO Districts;

(8) Hayes Street, for the entirety of the Hayes-Gough NCT;

(9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough NCT;

(10) *On building frontages facing Destination Alleyways, as defined in the Downtown Streetscape Plan, in all C-3* ~~*Market Street, for the entirety of the NCT-3, Upper Market NCD, and Upper Market NCT*~~ Districts;

(11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;

(12) 22nd Street, between *Third* ~~*3rd*~~ Street and Minnesota Streets within the NCT-2 District;

(13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District;

(14) Mission Street, for the entirety of the Mission Street NCT District;

(15) 24th Street, for the entirety of the 24th Street-Mission NCT;

(16) 16th Street, between Guerrero and Capp Streets;

(17) 22nd Street, between Valencia and Mission Streets;

(18) 6th Street for its entirety within the *C-3 and* SoMa NCT District*s*;

(19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except on the north side of Ocean Avenue between Plymouth and Brighton Avenues;

(20) Geneva Avenue, between I-280 and Delano Avenue within the *NCT-1 and* NCT-2 District*s*;

(21) Fillmore Street, in the *Fillmore Street NCD* ~~*NC-3 District*~~ from Bush Street to McAllister Street;

(22) Diamond Street, for the entirety of the Glen Park NCT District; *and*

(23) Chenery Street, for the entirety of the Glen Park NCT District.

~~*(24) Geneva Avenue, between I-280 and Delano Avenue within the NCT-1 District.*~~

(c) **Definitions.**

"Active commercial uses" shall include those uses specifically identified below in Table 145.4, and:

(1) Shall not include uses oriented to motor vehicles except for automobile sale or rental where curb-cuts, garage doors, or loading access are not utilized or proposed, and

such sales or rental activity is entirely within an enclosed building and does not encroach on surrounding sidewalks or open spaces;

(2) Shall include public uses except for utility installations; and

(3) Shall not include *R*~~r~~esidential *C*~~c~~are *Facilities* ~~*uses*~~ as defined in Sections *102*, 790.50, 790.51, and 890.50.

Table 145.4

Reference for Commercial and Residential-Commercial Districts	**Reference for Neighborhood Commercial Districts**	**Reference for Mixed Use Districts**	**Use**
102	790.4	890.4	Amusement Game Arcade
102	790.6	890.6	Animal Hospital
102	790.12	890.13	Automobile Sale or Rental (see qualification, above)
102	790.22	790.22	Bar
	N/A	890.23	Business Goods and Equipment Sales and Repair Service
102	*N/A*	*N/A*	*Child Care Facility*

102	*N/A*	*N/A*	*Community Facility*
102	790.34	790.34	Eating and Drinking Use
102	790.38	890.37	Entertainment, Other
102	N/A	890.39	Gift Store-Tourist Oriented
N/A	790.50, 790.51	890.50	Institutions, Other(see qualification, above)
102	N/A	890.51	Jewelry Store
102	*790.141*	*890.133*	*Medical Cannabis Dispensary*
102	790.68	890.68	Neighborhood-Serving Business
102	N/A	890.69	Non-Auto Vehicle Sales or Rental (see qualification, above)
102	790.70	890.71	Outdoor Activity Area
102	*N/A*	*N/A*	*Post-Secondary Educational Institution*
102	*N/A*	*N/A*	*Public Facilities*
N/A	790.80	890.80	Public Use (see qualification, above)
102	*N/A*	*N/A*	*Religious Institution*
102	790.90	790.90	Limited-Restaurant
102	790.91	790.91	Restaurant

N/A	790.102	890.102	Sales and Service*s*, Other Retail
102	790.104	890.104	Sales and Services, Retail
102	*N/A*	*N/A*	*School*
102	790.110	890.110	Service, Financial
102	790.112	890.112	Service, Limited Financial
N/A	790.114	890.114	Service, Medical
102	*N/A*	*N/A*	*Service, Health*
102	790.116	890.116	Service, Personal
102	790.122	790.122	Take-Out Food
102	*790.123*	*890.123*	*Tobacco Paraphernalia Establishment*
102	790.124	890.124	Trade Shop
102	790.140	890.140	Walk-Up Facility

* * * *

SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN SPECIFIED DISTRICTS.

(a) **Applicability.** This *s*Subsection shall apply to NCT, *RC,* RC, *Excelsior Outer Mission NCD,* RTO, Mixed Use, M-1, PDR-1-D, PDR-1-G, ~~*C-M,*~~ ~~*or*~~ *and* C-3 Districts, and to the

Broadway, Excelsior-Outer Mission Street, Upper Market Street, and North Beach Neighborhood Commercial Districts.

* * * *

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	**Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted**
Dwelling *u*Units in RH-DTR Districts	P up to one car for each two *d*Dwelling *u*Units; C up to one car for each *d*Dwelling *u*Unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
Dwelling *u*Units in SB-DTR Districts, except as specified below	P up to one car for each four *d*Dwelling *u*Units; C up to 0.75 cars for each *d*Dwelling *u*Unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each *d*Dwelling *u*Unit.
Dwelling *u*Units in SB-DTR Districts with at least 2 bedrooms and at least l,000 square feet of occupied floor area	P up to one car for each four *d*Dwelling *u*Units; C up to one car for each *d*Dwelling *u*Unit, subject to the criteria and procedures of

	Section 151.1(f); NP above one space per unit.
Dwelling Units in C-3 Districts	P up to one car for each two dDwelling #Units; C up to three cars for each four dDwelling #Units, subject to the criteria and procedures of Section 151.1(f). NP above three cars for each four dDwelling #Units.
Dwelling #Units in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dDwelling #Units; C up to 0.5 cars for each dDwelling #Unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four dDwelling #Units.
Dwelling #Units and SRO #Units in SLI, SALI, SSO, MUG, WMUG, MUR, MUO, WMUO, and SPD Districts, except as specified below	P up to one car for each four dDwelling *or SRO* #Units; C up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dDwelling *or SRO* #Unit.
Dwelling #Units in SLI, SALI, SSO, MUG, WMUG, MUR, MUO, WMUO, and SPD Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dDwelling #Units; C up to one car for each dDwelling #Unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dDwelling #Unit.
Dwelling #Units and SRO #Units in NCT, RC,	P up to one car for each two dDwelling *or SRO*

C-M, RSD, SLR, and Chinatown Mixed Use Districts, and the Broadway, Upper Market *Street,* and North Beach Neighborhood Commercial Districts, except as specified below	~~u~~*U*nits; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each ~~d~~*D*welling ~~u~~*U*nit.
Dwelling ~~u~~*U*nits in the Excelsior-Outer Mission NC and Glen Park and Ocean Avenue NCT Districts	P up to one car for each *Dwelling* ~~u~~*U*nit; NP above.
* * * *	

* * * *

(f) **C-3 Districts.** In C-3 *and SB-DTR* Districts, any request for accessory parking, in excess of what is permitted by right in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use.

* * * *

(g) **RC, RTO NC, ~~C-M,~~ and Mixed Use Districts, and the Broadway, Divisadero, Excelsior-Outer Mission, Fillmore, North Beach, and Upper Market Street Neighborhood Commercial Districts.** In RTO, *RC,* NC, ~~*C-M, South of Market*~~ Mixed Use Districts, *and the Broadway, Divisadero, Excelsior-Outer Mission, Fillmore, North Beach, and Upper Market Street NCDs* ~~*RED, RED-MX, and WMUG*~~, any request for accessory parking in excess of what is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use. In MUG,

WMUG, MUR, MUO, RED, RED-MX, and SPD Districts, any project subject to Section 329 and that requests residential accessory parking in excess of that which is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission according to the procedures of Section 329. Projects that are not subject to Section 329 shall be reviewed under the procedures detailed in ~~s~~Subsection (h) below.

(1) In granting such Conditional Use or exception per Section 329 for parking in excess of that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

* * * *

(C) **Parking for Non-Residential Uses.**

(i) Projects that provide more than 10 spaces for non-residential uses must dedicate 5~~%~~ *percent* of these spaces, rounded down to the nearest whole number, to short-term, transient use by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or other co-operative auto programs. These spaces shall not be used for long-term storage nor satisfy the requirement of Section 166, but rather to park them during trips to commercial uses. These spaces may be used by shuttle or delivery vehicles used to satisfy ~~s~~Subsection (B).

(ii) Retail uses larger than 20,000 square feet~~,~~ including but not limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public

transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000 square feet.

(iii) Parking shall be limited to short-term use only.

(iv) Parking shall be available to the general public at times when such parking is not needed to serve the use or uses to which it is accessory.

* * * *

SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.

* * * *

(d) All off-street freight loading and service vehicle spaces in the C-3, ~~C-M,~~ DTR, MUO, WMUO, MUG, WMUG, MUR, and South of Market Mixed Use Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is determined by the Zoning Administrator to be primarily used for building service, up to four off-street freight or loading spaces may be allowed to be individually accessible directly from such a street or alley, pursuant to the provisions of

Section 309 in a C-3 District, the provisions of Section 307(g) in a South of Market Mixed Use District, the provisions of Section 309.1 in a DTR District, the provisions of Section 329 for projects subject to Section 329 in a MUO, WMUO, MUG, WMUG, or MUR District, or by administrative decision of the Zoning Administrator for projects that are not subject to Section 329 in a MUO, WMUO, MUG, WMUG or MUR District.

* * * *

(s) **Off-Street Parking and Loading in C-3 Districts.** In C-3 Districts, restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.

(1) **Ground floor or below-grade parking and street frontages with active uses.**

(A) All off-street parking in C-3 Districts (both as accessory and principal uses) shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from grade) unless an exception to this requirement is granted in accordance with Section 309 and ~~s~~Subsection 155(s)(2) or a conditional use is authorized in accordance with Section 303 and ~~s~~Subsection 155(s)(3) below.

(B) Parking located at or above ground level shall conform to the street frontage requirements of Section 145.1(c), and shall be lined with active uses, as defined by Section 145.4 (~~d~~ e), to a depth of at least 25 feet along all ground-level street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems.

(C) Parking allowed above the ground-level in accordance with an exception under Section 309 or a conditional use in accordance with Section 303 as authorized by ~~s~~Subsections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that accentuates ground floor retail and other uses, minimizes louvers and other mechanical features and is in keeping with the overall massing and architectural vocabulary of the building's lower floors. So as not to preclude conversion of parking space to other uses in the future, parking allowed above the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

* * * *

(4) **Parking and Loading Access.**

(A) **Width of openings.** Any single development is limited to a total of two fa~~e~~cade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one fa~~e~~cade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

(B) ***Porte cocheres.*** Porte cocheres to accommodate passenger loading and unloading are not permitted except as part of a hotel, inn, or hostel use. For the purpose of this Section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor fa~~e~~cade of the building and the sidewalk.

* * * *

SEC. 156. PARKING LOTS.

* * * *

(b) **Conditional Use.**

(1) Where parking lots are specified in Articles 2, or 7, or 8 of this Code as a use for which ~~c~~Conditional ~~u~~Use approval is required in a certain district, such ~~c~~Conditional ~~u~~Use approval shall be required only for such parking lots in such district as are not qualified as accessory uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to all parking lots whether classified as accessory, principal, or conditional uses.

(2) ~~(c)~~ In considering any application for a ~~c~~Conditional ~~u~~Use for a parking lot for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the Planning Commission shall consider the criteria set forth in Section 157.

* * * *

(f) No permanent parking lot shall be permitted in C-3 and NCT Districts; temporary parking lots may be approved as ~~c~~Conditional ~~u~~Uses, except in the C-3-0(SD) District, pursuant to the provisions of Section 303 for a period not to exceed five years from the date of approval. No new parking lots may be approved in the C-3-0(SD) District, however ~~c~~Conditional ~~u~~Use approval for a two-year extension of existing parking lots in the C-3-0(SD) District may be approved pursuant to this ~~s~~Subsection provided that they meet the requirements of ~~s~~Subsection (i).

* * * *

(h) **Interior Landscaping** *and Street Trees*.

(1) All permanent parking lots are required to provide ~~1~~ *one* tree per ~~5~~ *five* parking spaces in a manner that is compliant with the applicable water use requirements of Administrative Code Chapter 63 and a minimum of 20% *percent* permeable surface, as defined by Section 102.33, Permeable Surfaces. The trees planted in compliance with this Section shall result in canopy coverage of 50% *percent* of the parking lots' hardscape within 15 years of the installations of these trees. Permeable surfaces and grading shall be coordinated so that stormwater can infiltrate the surface in areas with less than 5% *percent* slope.

(2) All parking lots shall meet the street tree requirements specified in Section 138.1(c)(1).

(i) Extension of Existing Parking Lots in the C-3-O(SD) District. The conditions of approval for the extension of an existing parking lot in the C-3-0(SD) District shall include the following:

(1) a minimum of one parking space for car sharing vehicles meeting all of the requirements in Section 166 for every 20 spaces in said lot;

(2) a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of frontage in a highly visible area on the property adjacent to a public sidewalk or ~~shall attain~~ approval *attained* from the appropriate City agencies to install such bicycle parking on a public sidewalk on the same block;

(3) interior landscaping compliant with the requirements in ~~s~~*S*ubsection (h) above, provided that if a site permit has been approved by the Planning Department for construction of a building on the subject lot that would replace the parking lot in less than two

years, the trees may be planted in movable planters and the lot need not provide permeable surfaces described in ~~s~~Subsection (h).

SEC. 159. REQUIRED OFF-STREET PARKING NOT ON THE SAME LOT AS THE STRUCTURE OR USE SERVED.

(a) Required off-street parking spaces for one-family and two-family dwellings in R Districts shall be located on the same lot as the dwelling served, or in a *Private Automobile Parking Garage* ~~*community garage*~~ as ~~*described*~~ *defined* in Section *102* ~~*209.7*(a)~~ of this Code.

(b) Required off-street parking spaces for all other dwellings shall be located on the same lot as the dwelling served, as an accessory use,~~;~~ or within a walking distance of 600 feet, as either a principal or a conditional use, depending upon the use provisions applicable to the district in which such parking is located.

(c) Required off-street parking spaces for all uses other than dwellings shall be located on the same lot as the use served, as an accessory use,~~;~~ or within a walking distance of 800 feet, as either a principal or a conditional use, depending upon the use provisions applicable to the district in which such parking is located.

(d) Walking distance for purposes of Subsections (b) and (c) above shall mean the distance from an outside entrance of a structure or use or part thereof, to each off-street parking space assigned to such structure or use or part thereof, along the shortest, most convenient pedestrian walkway open to the user or users of such off-street parking space.

(e) In order to be credited toward the requirements of this Code, any off-street parking space located as above on a lot other than the lot on which the structure or use to be served is located must be available for the actual lifetime of the structure or use to be served. Such

availability shall be assured either by ownership of both the lot containing the structure or use to be served and the lot containing the off-street parking space by at least one common owner, or by a lease or other instrument providing for the availability of the parking space for not less than the actual lifetime of the structure or use to be served; an attested copy of any such instrument shall be filed with the *Planning* Department ~~*of City Planning*~~ prior to approval by said Department of any building permit application affected by this arrangement for provision of required off-street parking. In addition, in either case, a document in a form approved by the City Attorney shall be executed by the parties concerned, and by the Zoning Administrator, and recorded in the office of the County Recorder, serving as a notice of the restrictions under this Code applying to both the lot containing the structure or use to be served and to the lot containing the off-street parking space, by virtue of this arrangement for provision of required off-street parking.

SEC. 168. BABY DIAPER-CHANGING ACCOMMODATIONS REQUIRED.

(a) **Definitions.**

(1) "**Public-Serving Establishment.**" A Public-Serving Establishment shall be defined as:

(A) a new *H*~~h~~ospital, *Health Services Use* ~~medical center,~~ ~~clinic providing outpatient care in medical,~~ ~~psychiatric or other healing areas~~, or a *S*~~s~~ocial *S*~~s~~ervice or *P*~~p~~hilanthropic *F*~~f~~acility ~~providing assistance of a charitable or public service nature~~ as defined in Section *102* ~~217~~ of the Planning Code, or a new hospital or medical center as defined in Sections 790.44 and 890.44 of the Planning Code, for which a building permit is issued on or at least six months after the effective date of this Section, unless the building will not be accessible to the public;

(B) a new *R*~~r~~etail *S*~~s~~ales and ~~personal~~ *S*~~s~~ervices use or ~~assembly and~~ *Retail E*~~e~~ntertainment *and Recreation* use as defined in Section~~s~~ *102* ~~218 and 221~~ of the Planning Code~~,~~ that is 5,000 square feet or more in size for which a building permit is issued on or at least six months after the effective date of this Section, unless the building will not be accessible to the public and;

(C) a new ~~a~~*A*musement ~~g~~*G*ame ~~a~~*A*rcade, ~~e~~*E*ating and *D*~~d~~rinking use, ~~i~~*I*nstitution, ~~o~~*O*ther ~~l~~*L*arge, ~~i~~*I*nstitution, ~~o~~*O*ther ~~s~~*S*mall, ~~m~~*M*ovie ~~t~~*T*heater, ~~s~~*S*ales and ~~s~~*S*ervice, ~~o~~*O*ther ~~r~~*R*etail, or ~~s~~*S*ales and ~~s~~*S*ervice ~~r~~*R*etail use, as defined in Articles 7 and 8 of the Planning Code, that is 5,000 square feet or more in size for which a building permit is issued on or at least six months after the effective date of this Section, unless the building will not be accessible to the public; and

(D) a new library operated by the San Francisco Public Library, or a new, publicly accessible, facility operated by the Department of Recreation and Parks within the City for which final City approvals have been given on or at least six months after the effective date of this Section.

(2) **"Substantially Renovated."** Any construction or renovation pro~~j~~*j*ect ~~which~~ *that* has an estimated cost of at least $50,000.00 for which a building permit is issued~~,~~ or, in the case of City-owned structures, for which final City approval is given, to any of the uses listed in Subsection (a)(1) above, which were existing as of the effective date of this Section, or which were completed on or at least six months after the effective date of this Section.

(3) **"Baby Diaper-Changing Accommodation."** A safe, sanitary and convenient baby diaper-changing station, deck table or similar amenity ~~which~~ *that* is installed

or placed in a separate, designated location in a Public-Serving Establishment subject to the provisions of this Section. Such accommodations may include, but are not limited to, stations, decks and tables in women's and men's restrooms or unisex/family restrooms.

* * * *

~~***SEC. 175.7. EXEMPTIONS FROM APPLICATION OF AMENDMENTS IMPLEMENTING THE RINCON HILL DTR DISTRICT.***~~

~~*(a) Exemptions. The amendments to this Code contained in this Ordinance shall not apply to projects only on Block 3747, Lots 001E, 002 and 006 for which an application for environmental review and a conditional use application have been filed with the Planning Department prior to March 1, 2003 and February 1, 2005, respectively, provided that such projects shall comply with the progress requirements and approval revocation provisions of Planning Code Section 309.1(c) as set forth in this Ordinance. Provisions of this Code (including, without limitation, the Zoning Maps) that were applicable to such exempt projects prior to the effective date of this Ordinance shall remain in full force and effect with respect to such exempt projects including, without limitation, provisions of this Code permitting conditional uses, variances, and other exceptions from the strict application of this Code.*~~

SEC. 178. CONDITIONAL USES.

The following provisions shall apply to conditional uses:

(a) **Definition.** For the purposes of this Section, a permitted conditional use shall refer to:

(1) Any use or feature authorized as a conditional use pursuant to Article 3 of this Code, provided that such use or feature was established within the time limits specified as

a ~~c~~Condition of *Approval* ~~*authorization*~~ or, if no time limit was specified, within a reasonable time from the date of authorization; or

(2) Any use or feature ~~*which*~~ *that* is classified as a conditional use in the district in which it is located and ~~*which*~~ *that* lawfully existed either on the effective date of this Code, or on the effective date of any amendment imposing new conditional use requirements upon such use or feature; or

(3) Any use deemed to be a permitted conditional use pursuant to Section 179 of this Code.

(b) **Continuation.** Except as provided for temporary uses in Section 205 of this Code, and except where time limits are otherwise specified as a ~~c~~Condition of *Approval* ~~*authorization*~~, any permitted conditional use may continue in the form in which it was authorized, or in the form in which it lawfully existed either on the effective date of this Code or the effective date of any amendment imposing new conditional use requirements upon such use or feature, unless otherwise provided in this Section or in Article 2 of this Code.

(c) **Enlargements, ~~or~~ Alteration, *or Intensification*.**

(1) A permitted conditional use may not be significantly altered, enlarged, or intensified, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

(2) ***Internet Services Exchange.*** With regard to an Internet Services Exchange as defined in Section *102* ~~209.6(c)~~, any physical alteration ~~*which*~~ *that* will enlarge or expand the building for the purpose of intensifying the use shall be deemed to be significant under this section, and any increase in the size of electrical service to the building ~~*which*~~ *that* will require

a permit from the Department of Building Inspection shall be deemed to be significant under this ~~s~~Section.

(3) **Formula Retail.** With regard to Formula Retail uses, a change of owner or operator of a Formula Retail establishment is determined to be an intensification of use and a new Conditional Use authorization shall be required if one or more of the following occurs:

(A) Change of use category, including a change from one use to another within the sub-categories of uses set forth in Planning Code Section 790.102 and Section 890.102;

(B) Expansion of use size;

(C) Change to a Formula Retail establishment that has more locations than the existing Formula Retail establishment;

(D) Installation of a commercial kitchen, including but not limited to: ovens, open ranges or stoves, fryers, oven hoods or kitchen ventilation systems, heating stations, steam tables or cabinets, cold food storage, increased food preparation areas or self-service drink dispensers;

(E) A pre-existing Formula Retail use that had not previously been authorized via a Conditional Use from the Commission.

*(4) **Power Plant.** A Power Plant use, as defined in Section 102, shall, whether nonconforming or conditionally permitted, require conditional use authorization in order to enlarge, intensify, or extend the use if such changes would expand a power plant use, make it more permanent, or substantially change the use. An intensification of use shall include the following changes, without limitation and in addition to the criteria set forth in Article 1.7 of the Planning Code:*

(A) An increase in output capability by more than 10 percent (either an increase in capacity or increase in planned or permitted output per year);

(B) A change in type of fuel;

(C) A greater than 5 percent increase in the volume of monthly discharge of waste water into the sewer or into the San Francisco Bay, or an increase in the temperature of existing waste water discharges into the San Francisco Bay;

(D) Any increase greater than 5 percent in the emission rate or the total annual tons of emission for particulate precursors, ozone precursors or greenhouse gases;

(E) A greater than 5 percent increase in the volume of regulated substances used on site on a monthly basis, or in the volume of regulated substances stored on site or in the volume of regulated substances transported to the site on a monthly basis; or

(F) Improvements to any power generation unit costing more than 25 percent of the assessed value of the same unit prior to improvement.

(d) **Abandonment.** A permitted conditional use which is discontinued for a period of three years, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code. For purposes of this Subsection, the period of nonuse for a permitted conditional use to be deemed discontinued in the North Beach, Castro Street Neighborhood Commercial Districts, and the Jackson Square Special Use District shall be eighteen (18) months, except that in the North Beach Neighborhood Commercial District, the period of non use for a Restaurant use, as defined in Section *102* ~~*790.91*~~, to be deemed discontinued shall be three years.

A permitted conditional Formula Retail use which is discontinued for a period of 18 months, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use application pursuant to Article 3 of this Code.

(e) **Changes in Use.** The following provisions shall apply to permitted conditional uses with respect to changes in use, except as further limited by the change of use procedures for Formula Retail uses set forth in Section 303.1 of this Code.

(1) A permitted conditional use may be changed to another use listed in *Section 102* and Articles ~~2,~~ 7 or 8 of this Code as a principal use for the district in which it is located and the new use may thereafter be continued as a permitted principal use.

(2) A permitted conditional use may be changed to another use listed in *Section 102* and Articles ~~2,~~ 7 or 8 of this Code as a conditional use for the district in which the property is located, subject to the other applicable provisions of this Code, only upon approval of a new conditional use application, pursuant to the provisions of Article 3 of this Code.

(3) A permitted conditional use may not be changed to another use not permitted or prohibited by *the Zoning Control Table for the district in which the lot is located* ~~Articles 2, 7 or 8 of this Code~~. If a permitted conditional use has been wrongfully changed to another use in violation of the foregoing provisions and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the permitted conditional use.

(4) Once a permitted conditional use has been changed to a principal use permitted in the district in which the property is located, or brought closer in any other manner to conformity with the use limitations of this Code, the use of the property may not thereafter

be returned to its former permitted conditional use status, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

(5) In the North Beach Neighborhood Commercial District, any use that exceeds the use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use only upon approval of a new conditional use application. The Commission's approval of such conditional use application shall explicitly address the use size findings of Section 303(c).

(6) In the Castro Street Neighborhood Commercial District, any use that exceeds the use size provisions of Section 121.2(a), but is smaller than the maximum use size limit of Section 121.2(b), may be changed to a new use only upon approval of a new conditional use application. The Commission's approval of such conditional use application shall explicitly address the use size findings of Section 303(c).

* * * *

(g) None of the provisions of this Section 178 shall be construed to prevent any measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the ~~*Superintendent*~~ *Director* of the ~~*Bureau*~~ *Department* of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the proposed measures have been declared necessary, by such official, to correct the said condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section.

SEC. 179.1. LEGITIMIZATION OF USES LOCATED IN THE EASTERN NEIGHBORHOODS.

* * * *

(b) **Applicability.**

(1) **Geography.** This Section shall apply only to property located in the Eastern Neighborhoods Mixed Use Districts, the SLI District, or any PDR District which is located within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section *423.3* ~~*327.2(j)*~~. This Section shall not apply to any Live/Work use as ~~*set forth*~~ *defined* in Section *102* ~~*233*~~.

(2) **Eligibility.** Any use that is the subject of an application under this Section shall be one that is determined by the Zoning Administrator as one which:

(A) exists as of the date of the application;

(B) would have been principally permitted or permitted with ~~*c*~~*C*onditional ~~*u*~~*U*se authorization under provisions of the Planning Code that were effective on April 17, 2008;

(C) would not be permitted under current provisions of this Code;

(D) is a land use that either:

~~*(1)*~~ *(i)* has been regularly operating or functioning on a continuous basis for no less than 2 years prior to the effective date of this Section; or

~~*(2)*~~ *(ii)* has been functioning in the space since at least April 17, 2008, and is associated with an organization, entity or enterprise which has been located in this space on a continuous basis for no less than 2 years prior to the effective date of this Section;

(E) is not accessory to any other use; and

(F) is not discontinued and abandoned pursuant to the provisions of Section 183 that would otherwise apply to nonconforming uses.

(3) **Sunset.** All applications for a determination of eligibility under Subsection (d) must be received by the Zoning Administrator on or before November 12, 2012. If the Planning Department fails to timely issue notice pursuant to Subsection (c), the Zoning Administrator may extend this termination date for an additional period of time not to exceed the number of days that the Department delayed in issuing the notice. An applicant who has received a determination of eligibility must submit to the Department all required application materials for legitimization within 90 days of the date of issuance of the determination of eligibility and diligently pursue the legitimization process until completion. For purposes of this section, "diligently pursue" shall mean timely responding to all requests for additional information from the Department or other City agency reviewing the matter and timely applying for and pursuing all permits and other approvals required to legitimize the use. Failure to do so may result in the Zoning Administrator's revocation of the legitimization letter.

* * * *

(e) **Determination of Eligibility.** The Zoning Administrator shall determine compliance with the criteria set forth in Subsection (b)(2), above, through a written decision. No less than 30 days prior to making a determination, the Zoning Administrator shall mail and post a notice of intent to render a determination as set forth below so that parties other than the applicant are afforded the opportunity to present information which may have bearing on the determination;

(1) By mailing notice to owners within 300 feet of the property in question as set forth in Section 306.3(a)(2);

(2) by mailing notice to current tenants of the subject property using materials submitted pursuant to Section (d)(3), above;

(3) by mailing notice to all individuals or neighborhood organizations having made written request for notification for either (i) applications under this Section or (ii) specific properties or areas; and

(4) by posting a notice on the subject property as set forth in Section 306.8.

(f) **Application to Legitimize.** Uses that are determined to be in compliance with the criteria of Subsection (b)(2), above, shall be governed as set forth below. Unless specifically stated by the Planning Commission in the case of a Conditional Use authorization, approval of any application under this Subsection shall be deemed to authorize all aspects of the use and portions of the structure housing the use under the Planning Code. Those portions of the use or structure that do not comply with current provisions of this Code shall be deemed nonconforming uses or noncomplying structures under Article ~~1.8~~ *1.7* of this Code. Action under this Subsection in no way shall affect the applicability of relevant portions of the Building Code or other portions of the Municipal Code.

* * * *

(g) **Fee Amount.** Any use authorized under Subsection (f) above shall, in addition to any applicable application fees, pay for the area being legitimized the following impact fees:

(1) If the use is legitimizing as office, (as defined in Sec. *102* ~~890.70~~)

(A) If the project is subject to the Transit Impact Development Fee (as defined in Section 411), a $2.00/gross square foot Transit Impact Development Fee.

(B) If the project is subject to the Jobs-Housing Linkage Fee (as defined in Section 413), an $8.50/gross square foot Jobs-Housing Linkage Fee.

(C) No Eastern Neighborhoods Impact Fees shall be charged.

~~*(2) If the use is legitimizing as Integrated PDR, (as defined in Sec. 890.49)*~~

~~*(A) If the project is subject to the Transit Impact Development Fee (as defined in Section 411), a $2.00/gross square foot Transit Impact Development Fee.*~~

~~*(B) If the project is subject to the Jobs-Housing Linkage Fee (as defined in Section 413), a $4.00/gross square foot Jobs-Housing Linkage Fee.*~~

~~*(C) No Eastern Neighborhoods Impact Fees shall be charged.*~~

(~~3~~2) If the use is legitimizing as ~~r~~Retail *or Entertainment* (as defined in *Section 401* ~~*Sec. 217) or entertainment (as defined in Sec. 313.1.16)*~~

(A) If the project is subject to the Transit Impact Development Fee (as defined in Section 411), a $2.00/gross square foot Transit Impact Development Fee.

(B) If the project is subject to the Jobs-Housing Linkage Fee (as described in Sec. 413), a $7.20/gross square foot Jobs-Housing Linkage Fee.

(C) No Eastern Neighborhoods Impact Fees shall be charged.

(4) If the use is legitimized as any other use authorized under Subsection (f) above, the use shall pay the Jobs-Housing Linkage Fee and Transit Impact Development Fee in the amount applicable as of January 18, 2009.

(h) **Fee Payment.** Fees shall be paid upon issuance of the first construction permit (as defined in Sec. 401) or *if* an applicant *has* ~~*may*~~ elect*ed* to participate in a deferred payment program, as specified below:

(1) Prior to issuance by DBI of the first construction permit, at least 20% of applicable fees are due. Henceforth, at least 20% of applicable fees are due by July 1st of each subsequent calendar year, such that final payment must be made within four years of receiving the first building or site permit.

(2) The applicant may elect to pay any outstanding balance at any time within these four years.

(3) A Notice of Special Restrictions shall be placed on the title of the property specifying that additional payment is required. This Notice of Special Restrictions shall be released when payment is complete.

(4) All outstanding fees will be adjusted annually based on the cost of living as defined by the Controller's Office.

(5) The Department may assess an additional fee for time and materials spent implementing this deferred fee program.

(6) Failure to comply with the terms of the program and associated NSR as specified in this Subsection shall be deemed a violation of this Code and result in an enforcement action by the Department, which may include, referral to the Bureau of Delinquent Revenue and a lien on the subject property. Any enforcement action also may result in additional charges or penalties to cover the City's costs in the enforcement action, including, but not limited to City Attorney's fees.

SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND RECONSTRUCTION.

The following provisions shall apply to non-conforming uses with respect to enlargements, alterations and reconstruction:

(a) **Increases in Nonconformity.** A nonconforming use, and any structure occupied by such use, shall not be enlarged, intensified, extended, or moved to another location, with the exception of the construction of a mezzanine within a ~~l~~Live/~~w~~Work ~~u~~Unit and expansion of ~~d~~Dwelling ~~u~~Units in PDR Districts, unless the result will be elimination of the nonconforming use, except as provided below and in Section 186.1 of this Code. A nonconforming use shall not be extended to occupy additional space in a structure, or additional land outside a structure, or space in another structure, or to displace any other use, except as provided in Sections 182 and 186.1 of this Code.

* * * *

(c) **Dwellings Nonconforming as to Density.**

(1) A ~~d~~Dwelling or other housing structure exceeding the permitted density of ~~d~~Dwelling ~~u~~Units or other housing units set forth in *the Zoning Control Table for the district in which the lot is located* ~~*Sections 207.5, 208, 209.1, 209.2, or 215 of this Code for the district in which it is located*~~ shall be classified as a nonconforming use under Section 180 of this Code, but only to the extent that such ~~d~~Dwelling or other housing structure exceeds the permitted density.

(2) In districts where a ~~d~~Dwelling ~~u~~Unit is a principally permitted use, this Section 181 shall not apply with respect to enlargements, alterations, and reconstruction of the

nonconforming portion of such ~~d~~Dwelling or other housing structure, consisting of those ~~d~~Dwelling ~~u~~Units or other housing units ~~which~~ that exceed the permitted density, so long as such enlargements, alterations, or reconstruction do not otherwise extend beyond the building envelope as it existed on January 1, 2013.

(3) No enlargements, alterations, or reconstruction shall be permitted under Subsection (c)(2) for any ~~d~~Dwelling ~~u~~Unit if any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) where the tenant was served with the notice of eviction after December 10, 2013 if the notice was served within ten (10) years prior to filing an application to enlarge, alter or reconstruct such ~~d~~Dwelling or other housing unit. Additionally, no such enlargements, alterations, or reconstruction shall be permitted for any ~~d~~Dwelling ~~u~~Unit if any tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December 10, 2013 if the notice was served within five (5) years prior to filing an application to enlarge, alter or reconstruct such ~~d~~Dwelling or other housing unit. This Subsection (c)(3) shall not apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s) either (A) have certified that the original tenant reoccupied the unit after the temporary eviction or (B) have submitted to the Planning Commission a declaration from the property owner or the tenant certifying that the property owner or the Rent Board notified the tenant of the tenant's right to reoccupy the unit after the temporary eviction and that the tenant chose not to reoccupy it.

(4) Any ~~d~~Dwelling ~~u~~Unit or other housing unit coming within the density limit shall not be affected by this Section 181. Except as provided in Sections 181(h) and 182(e), no

~~d~~Dwelling or other housing structure exceeding the permitted density of ~~d~~Dwelling ~~u~~Units or other housing units shall be altered to increase the number of ~~d~~Dwelling ~~u~~Units or other housing units therein, or to increase or create any other nonconformity with respect to the ~~d~~Dwelling ~~u~~Unit or other housing unit density limitations *identified in the Zoning Control Table for the district in which the lot is located* ~~*of Section 209.1 or Section 209.2*~~.

* * * *

SEC. 182. NONCONFORMING USES: CHANGES OF USE.

The following provisions shall apply to nonconforming uses with respect to changes of use:

(a) A nonconforming use shall not be changed or modified so as to increase the degree of nonconformity under the use limitations of this Code, with respect to the type of use or its intensity except as provided in Section 181 for ~~n~~Nighttime ~~e~~Entertainment *uses* ~~*activities*~~ within the RSD, MUG, MUR, or SLR Districts. The degree of nonconformity shall be deemed to be increased if the new or modified use is less widely permitted by the use districts of the City than the nonconforming use existing immediately prior thereto. For purposes of this Section, intensification of a Formula Retail use as defined in Section 178(c) is determined to be a change or modification that increases the degree of nonconformity of the use.

(b) Except as limited in this Subsection, a nonconforming use may be reduced in size, extent or intensity, or changed to a use that is more widely permitted by the use districts of the City than the existing use, subject to the other applicable provisions of this Code. Except as otherwise provided herein, the new use shall still be classified as a nonconforming use.

(1) Nonconforming ~~c~~Commercial and ~~i~~Industrial uses in a Residential or Residential Enclave District shall be subject to the requirements of Section 186.

(2) A nonconforming use in a Neighborhood Commercial District may be changed to another use as provided in Subsections (c) and (d) below or as provided in Section 186.1 of this Code.

(3) A nonconforming use in any South of Market Mixed Use District may not be changed to an ~~o~~Office, ~~r~~Retail, ~~b~~Bar, ~~r~~Restaurant, ~~n~~Nighttime ~~e~~Entertainment, ~~a~~Adult ~~e~~Entertainment, ~~h~~Hotel, ~~m~~Motel, inn, hostel, or ~~m~~Movie ~~t~~Theater use in any district where such use is otherwise not permitted or conditional, except as provided in Subsection (f) below.

(c) A nonconforming use may be changed to a use listed as a conditional use for the district in which the property is located, only upon approval of a ~~c~~Conditional ~~u~~Use application pursuant to the provisions of Article 3 of this Code, and the new use may thereafter be continued as a permitted conditional use, subject to the limitation of Section 178(b) of this Code.

* * * *

(e) A nonconforming use may be converted to a ~~d~~Dwelling ~~u~~Unit and to two or more ~~d~~Dwelling ~~u~~Units with ~~c~~Conditional ~~u~~Use authorization, *in a district where such use is principally permitted*, without regard to the requirements of this Code with respect to residential density or required off-street parking, and the Zoning Administrator may provide relief from certain other standards specified in Section 307(h) through the procedures of that Section, provided the nonconforming use is eliminated by such conversion, provided further that the structure is not enlarged, extended or moved to another location, and provided further that the requirements

of the Building Code, the Housing Code and other applicable portions of the Municipal Code are met.

(f) Once a nonconforming use has been changed to a principal or conditional use permitted in the district in which the property is located, or brought closer in any other manner to conformity with the use limitations of this Code, the use of the property may not thereafter be returned to its former nonconforming status, except that~~:~~

~~*(1) Any area which is used as a live/work unit shall be allowed to return to its former nonconforming status.*~~

~~*(2)*~~ *within* ~~*Within*~~ any South of Market Mixed Use District, any area occupied by a nonconforming ~~*o*~~*O*ffice use ~~*which*~~ *that* is changed to an arts, home and/or business service use falling *within the definition of an Arts Activity in Section 102 or* zoning categories ~~*102.2 or*~~ 816.42 through 816.47 or a wholesale, storage, or light manufacturing use falling within zoning categories 816.64 through 816.67 shall be allowed to return to its former nonconforming ~~*o*~~*O*ffice use.

~~*(3)*~~ Upon restoration of a previous nonconforming use as permitted ~~*by Subsection (1) or (2)*~~ above, any modification, enlargement, extension, or change of use, from circumstances ~~*which*~~ *that* last lawfully existed prior to the ~~*creation of the live/work unit, or prior to the*~~ change from office use, shall be subject to the provisions of this Article, and the restored nonconforming use shall be considered to have existed continuously since its original establishment, prior to the ~~*live/work unit or*~~ change to ~~*o*~~*O*ffice use, for purposes of this Article.

(g) If a nonconforming use has been wrongfully changed to another use in violation of any of the foregoing provisions, and the violation is not immediately corrected when required

by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the nonconforming use under Section 183 of this Code.

* * * *

SEC. 183. NONCONFORMING USES: DISCONTINUANCE AND ABANDONMENT.

Whenever a nonconforming use has been changed to a conforming use, or discontinued for a continuous period of three years, or whenever there is otherwise evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not after being so changed, discontinued, or abandoned be reestablished, and the use of the property thereafter shall be in conformity with the use limitations of this Code for the district in which the property is located. Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment. Where a *Massage Establishment* ~~*massage establishment*~~ is nonconforming for the reason that it is within 1,000 feet of another such establishment ~~under Section 218.1 of this Code~~ or because it is no longer permitted within the district, discontinuance for a continuous period of three months or change to a conforming use shall constitute abandonment.

SEC. 184. SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES.

The period of time during which the following nonconforming uses may continue or remain shall be limited to five years from the effective date of this Code (May 2, 1960), or of the amendment thereto which that caused the use to be nonconforming. Every such nonconforming use shall be completely eliminated within 90 days after the expiration of such period.

(a) *A Parking Lot or any other* ~~Any~~ nonconforming commercial or industrial use of land where no enclosed building is involved in such use, except for permanent off-street ~~p~~Parking ~~l~~Lots in the C-3-O, C-3-R, and C-3-G Districts existing on the effective date of Ordinance No. 414-85, provided that such lots are screened in the manner required by Section 156(e); *such permanent uses shall be eliminated no later than five years and 90 days from the effective date of an amendment to this Code that makes such permanent uses nonconforming.*

(b) Any use of a type first permitted as a principal or conditional use in an NC, *RC,* C, or M District ~~or in a Residential-Commercial Combined District~~, when occupying a building in an R District ~~other than a Residential-Commercial Combined District~~ that has an assessed valuation not in excess of $500 on the effective date of this Code or such later date as the use becomes nonconforming, with the following exceptions:

(1) Any lawful use in this category in a building having an assessed valuation of $250 or more on the effective date of this Code, or such later date as the use becomes nonconforming, shall have a period of permitted continuance of 10 years from the date at which the property was placed in a residential zoning classification, if such a period of continuance produces an expiration date *that* ~~which~~ is later than the expiration date stated above; or

(2) Any lawful use in this category *that* ~~which~~ is of a type first permitted in an NC-1 District; or of a type first permitted in any other district and supplying commodities at retail, or offering personal services, primarily to residents of the immediate vicinity; shall have a period of permitted continuance of 10 years from the effective date of this Code, or of the amendment thereto *that* ~~which~~ caused the use to be nonconforming. After five years of such

period have elapsed, any use as described in this Paragraph (b)(2) shall, upon application, be qualified for consideration by the ~~City~~ Planning Commission as a conditional use as regulated in Section 303 of this Code.

SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

* * * *

(c) **Changes in Use.** A nonconforming use may be changed to another use or feature as described below.

(1) A nonconforming use may be changed to a use listed in Article 7 of this Code as a principal use for the district in which the property is located, and the new use may thereafter be continued as a permitted principal use.

(2) A nonconforming use may be changed to a use listed in Article 7 of this Code as a conditional use for the district in which the use is located, only upon approval of a ~~c~~Conditional ~~u~~Use application pursuant to the provisions of Article 3 of this Code, and the new use may thereafter be continued as a permitted conditional use, subject to the provisions of Section 178 of this Code.

(3) A nonconforming use may be changed to a use which is not permitted in that Neighborhood Commercial District as described below, only upon approval of a ~~c~~Conditional ~~u~~Use application, pursuant to the provisions of Article 3 of this Code:

(A) Any use described in zoning categories .41, .43, or .44, as defined in Sections 790.22, 790.90, and 790.91, respectively, may change to another use described in zoning categories .41 or .44, even though such other use is not permitted in that

Neighborhood Commercial District, unless such other use is located in an Alcohol Restricted Use Subdistrict and is prohibited by the provisions governing that Alcohol Restricted Use Subdistrict.

(B) Any use described in zoning categories .51, .52, or .53, as defined in Sections 790.114, 790.116, and 790.108 respectively, may change to another use described in zoning categories .51, .52, or .53, even though such other use is not permitted in that Neighborhood Commercial District.

(C) Any use described in zoning categories .57, .58, or .59, as defined in Sections 790.14, 790.17, and 790.15 respectively, may be demolished and reconstructed as the same use or may change to another use described in zoning categories .57, .58, or .59, even though such other use is not permitted in that Neighborhood Commercial District.

The new use shall still be classified as a nonconforming use.

The changes in use described in this Subsection 3 shall include remodeling activities involving the demolition and replacement of structures *that* ~~*which*~~ result in a change of use.

(D) With regard to Formula Retail uses, a change of owner or operator of a Formula Retail establishment is determined to be an intensificiation of use and a new Conditional Use authorization shall be required as provided in Section 178(c) of this Code.

(4) In the North Beach Neighborhood Commercial District, any use that exceeds the use size provisions in the *North Beach Zoning Control Table* ~~*of Section 121.2(a) or 121.2(b)*~~ may be changed to a new use only upon the approval of a new ~~*c*~~*C*onditional ~~*u*~~*U*se application. The Commission's approval of such ~~*c*~~*C*onditional ~~*u*~~*U*se application shall explicitly address the use size findings of Section 303(c). In the North Beach Neighborhood Commercial District, a

nonconforming use cannot be changed to any use *that* ~~*which*~~ is not a permitted use under Section 722 (North Beach Controls).

(5) In the Castro Street Neighborhood Commercial District, any use in this district that exceeds the maximum use size limit of Section 121.2(b)~~,~~ may be not changed to a new use. The only method for changing a nonconforming use identified in this Subsection is to reduce the nonconforming use:

(A) to a conforming use size; or

(B) to a size specified in Subsection 121.2(a) pursuant to ~~c~~Conditional ~~u~~Use authorization.

Notwithstanding the above, any use in this District that exceeds the maximum use size limit of Section 121.2(b) and is categorized in the Other Retail Sales and Services zoning classification, as defined in Section 790.102, may change to another use category enumerated in Section 790.102 as long as the use size is not increased and the Commission approves a ~~c~~Conditional ~~u~~Use application for such change. The Commission's approval of such ~~c~~Conditional ~~u~~Use application shall explicitly address the use size findings of Section 303(c).

* * * *

186.3 NON-RESIDENTIAL USES IN LANDMARK BUILDINGS IN RH AND RM DISTRICTS.

Any use listed as a principal or conditional use permitted on the ground floor in an NC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, is permitted with Conditional Use authorization pursuant to Section 303 of this Code, provided that no conditional use shall be authorized under this provision unless (1) such authorization conforms to the

applicable provisions of Section 303 of this Code, and (2) the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.

SEC. 187.1. SERVICE STATIONS AND GASOLINE STATIONS AS LEGAL NONCONFORMING USES.

~~*(a) As used in this Section, "automotive service station" shall mean an establishment that sells and dispenses gasoline and other motor fuels and lubricating fluids directly into motor vehicles and which may, in addition, provide the types of services specified in Section 223(f) and 223(g) of this Code.*~~

(a)~~(b)~~ Notwithstanding any other provision of this Code, an ~~a~~*A*utomotive ~~s~~*S*ervice ~~s~~*S*tation *or an Automotive Gas Station as defined in Section 102 of this Code,* located in an *a* ~~an~~ R*esidential* district, and having legal nonconforming use status under the provisions of this Code on January 1, 1980, shall be regarded as a legal nonconforming use so long as the station continues to sell and dispense gasoline and other motor fuels and lubricating fluids directly into motor vehicles.

(b)~~(c)~~ An ~~a~~*A*utomotive ~~s~~*S*ervice ~~s~~*S*tation regarded as a legal nonconforming use under Subsection ~~*(b)*~~ *(a)* of this Section may enlarge or intensify its current service station operations provided the station receives conditional use approval for such enlargement or intensification under Section 303 of this Code. Conditional ~~u~~*U*se authorizations issued pursuant to this Section shall not contain termination dates.

(c) Parking for car-share vehicles, as defined in Section 166, is permitted as an accessory use, and the addition of car-share vehicle parking shall not constitute an enlargement or intensification of the use, as defined in Subsection (b) above.

SEC. 187.2. MECHANICAL CAR WASH FACILITIES ON NINETEENTH AVENUE.

~~*(a) As used in this Section, "automotive service station" and "gasoline station" shall mean an establishment that sells and dispenses gasoline and other motor fuels and lubricating fluids directly into motor vehicles and which may, in addition, provide the types of services specified in Section 223(f) and 223(g) of this Code; provided that the limitation on automobile washing and polishing contained in Section 223(f)(6) shall not be interpreted as a limitation on the addition of a mechanical car wash as provided in this Section 187.2.*~~

~~*(b) As used in this Section, "mechanical car wash" shall mean an automotive wash facility, including the use of any mechanical cleaning device, the use of any mechanical conveyor blower device, or steam cleaning device, and may include washing and polishing performed by hand.*~~

(a)~~(c)~~ Notwithstanding any other provision of this Code, a*n* ~~mechanical~~ *Automotive* ~~car~~ ~~w~~*W*ash, as defined by Section 102 of this Code, is permitted as a conditional use on the same premises as an ~~a~~*A*utomotive ~~s~~*S*ervice ~~s~~*S*tation or *Automotive* ~~g~~*G*as~~oline~~ ~~s~~*S*tation, existing on the effective date of this *Section* ~~*Ordinance*~~, and located on Nineteenth Avenue, starting at Lincoln Way and continuing south on Nineteenth Avenue to the southerly portion of Nineteenth Avenue to the intersection with Junipero Serra Boulevard, and continuing south along Junipero Serra Boulevard to the southern boundary of the City and County of San Francisco provided:

(1) A vehicle storage and standing area is provided on the premises outside the washing facilities of sufficient size to accommodate at least one-quarter of the hourly capacity in vehicles of the facility;

(2) Noise from the facility complies with Article 29 of the San Francisco Police Code and in no event shall noise from mechanical equipment exceed 65 dBA, as defined in Article 29, from 7:00 a.m. to 10:00 p.m., or 60 dBA from 10:00 p.m. to 7:00 a.m., when measured at any location on adjoining residential property;

(3) Automobile washing and drying occurs entirely within an enclosed building;

(4) Water use and reclamation meets criteria established by the Zoning Administrator in consultation with staff from the San Francisco Public Utilities Commission;

(5) A traffic study demonstrates that the operation will not cause a new significant impact on traffic on adjacent streets; and

(6) The facility is located on a lot equal to or greater than 12,000 square feet.

Section 3. Article 2 of the Planning Code is hereby amended by adding Sections 202.1, 202.2, 202.3, 210.2, 210.3, 210.3A, revising Sections 201, 202, 204, 204.1, 204.2, 204.3, 205.2, 205.4, 206 through 206.5 (renumbered as 209 through 209.4), 207, 207.1, 207.2, 207.6, 208, 210.2, 210.3, 210.4, 210.5, 210.6, 210.7, 210.8, 210.9, 210.10, 210.11, 218.2, 219.1, 221.1, 228, 229, 230, 233, 234 through 234.2 (renumbered as 211 through 211.2), 237, 238, 239, 240.1, 241, 243, 247, 248, 249.1, 249.5, 249.13, 249.14, 249.18, 249.21, 249.25, 249.31, 249.32, 249.33, 249.34, 249.35, 249.35B, 249.41, 249.42, 249.46, 249.54, 249.61, 249.65, 249.67, 253, 260, and 263.28, and deleting Sections 209 through 209.10, 210.1, 210.4, 212, 213, 215, 216, 217, 218, 218.1, 219, 220, 221, 222, 223, 224, 225, 226, 226.1, 227, and 249.20, to read as follows:

SEC. 201. CLASSES OF USE DISTRICTS.

In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

Public Use Districts (P) (Defined in Sec. 234)	
Residential Districts(Defined in Sec. 206)	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings) (Defined in Sec. *209.1* ~~*206.1*~~)
RH-1	Residential, House Districts, One-Family (Defined in Sec. 206.1)
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit (Defined in Sec. 206.1)

RH-2	Residential, House Districts, Two-Family (Defined in Sec. 206.1)
RH-3	Residential, House Districts, Three-Family (Defined in Sec. 206.1)
RM-1	Residential, Mixed Districts, Low Density (Defined in Sec. 206.2)
Residential Districts (Defined in Sec. *209.1* ~~*206.1*~~)	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings) (Defined in Sec. *209.1* ~~*206.1*~~)
RH-1	Residential, House Districts, One-Family (Defined in Sec. *209.1* ~~*206.1*~~)
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit (Defined in Sec. *209.1* ~~*206.1*~~)
RH-2	Residential, House Districts, Two-Family (Defined in Sec. *209.1* ~~*206.1*~~)
RH-3	Residential, House Districts, Three-Family (Defined in Sec. *209.1* ~~*206.1*~~)
RM-1	Residential, Mixed Districts, Low Density (Defined in Sec. *209.2* ~~*206.2*~~)
RM-2	Residential, Mixed Districts, Moderate Density (Defined in Sec. *209.2* ~~*206.2*~~)
RM-3	Residential, Mixed Districts, Medium Density (Defined in Sec. *209.2* ~~*206.2*~~)
RM-4	Residential, Mixed Districts, High Density (Defined in Sec. *209.2* ~~*206.2*~~)
RTO	Residential, Transit-Oriented Neighborhood Districts (Defined in Sec. *209.4*

	~~206.4~~)
RTO-M	Residential, Transit-Oriented – Mission Neighborhood Districts (Defined in Sec. 209.4 ~~206.5~~)

Residential-Commercial Districts (RC) (Defined in Sec. 209.3 ~~206.3~~)	
RC-3	Residential-Commercial Districts, Medium Density (Defined in Sec. 209.3 ~~206.3~~)
RC-4	Residential-Commercial Districts, High Density (Defined in Sec. 209.3 ~~206.3~~)

* * * *

Commercial Districts (C) (Defined in Sec. 210)	
C-2	Community Business Districts (Defined in Sec. 210.12)
~~C-M~~	~~Heavy Commercial Districts (Defined in Sec. 210.4)~~
C-3-O	Downtown Office District (Defined in Sec. 210.23)
C-3-O(SD)	Downtown Office Special Development District (Defined in Sec. 210.3)
C-3-R	Downtown Retail District (Defined in Sec. 210.23)
C-3-G	Downtown General Commercial District (Defined in Sec. 210.23)
C-3-S	Downtown Support District (Defined in Sec. 210.23)

* * * *

SEC. 202. USES PERMITTED BY THIS CODE.

(a) The use limitations of this Code shall be set forth in Articles 2, 6, 7, 8, and 9 for the use districts of the City, as established by Section~~s~~ 201~~, 701, 801 and 902~~ of this Code and as shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of Section 105. The uses permitted under this Code shall consist of the following:

(1) Principal uses, permitted as of right in each established district where listed for that class of districts in Articles 2, 7, 8, and 9 as regulated herein and elsewhere in this Code.

(2) Conditional uses, permitted in each established district when authorized by the ~~City~~ Planning Commission under Section 303 of this Code, where listed for that class of districts in Articles 2, 7, 8, and 9 and as regulated herein and elsewhere in this Code~~;~~.

(3) Accessory uses for such permitted principal and conditional uses, as defined and regulated in Sections 204 through 204.5, Section 703.2(b)(1)(C), Section 803.3(b)(1)(C), Section 903(a)(3), and Section 986 of this Code. Any use not qualified under such sections as an accessory use shall be classified as a principal or conditional use.

(b) Permitted uses shall include in each established district such uses not specifically listed in Articles 2, 7, or 8 of this Code as are from time to time determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

(c) No use shall be permitted in any R District, C District, PDR-1 Districts, or M-1 District which by reason of its nature or manner of operation creates conditions that are

hazardous, noxious or offensive through emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(d) Except as specifically provided herein to the contrary, the provisions of Articles 2, 7, 8, and 9 of this Code shall apply to all uses, properties, and developments, both public and private, including those of the City and County of San Francisco.

202.1. ZONING CONTROL TABLES.

(a) All Districts that are provided for in Section 201 of this Code have a corresponding Zoning Control Table that details basic development standards and use controls. Zoning Control Tables for R, C, PDR, and M Districts are located in Article 2; Zoning Control tables for Neighborhood Commercial Districts are located in Article 7; Zoning Control tables for Chinatown and Mixed Use Districts are located in Article 8; and Zoning Control tables for Mission Bay Districts are located in Article 9. Zoning Control Tables are intended to be used in conjunction with other relevant sections of the Code. Descriptions for Zoning Control Tables in Articles 7, 8, and 9 are located in the corresponding Article. Each of the Zoning Control Tables contains a brief summary of, and reference guide to, the specific rules that appear elsewhere in this Planning Code. To the extent of any inconsistency between a Table and the relevant governing sections, the latter shall control.

(b) Zoning Control Tables in Article 2 are organized as follows:

*(1) **Building Standards:** This section lists basic Code requirements that are specific to that particular Zoning District and apply to all buildings in that District regardless of the proposed use.*

*(2) **Residential Standards and Uses:** This section lists basic Code requirements for Residential uses, permitted residential uses, and permitted densities for the subject District.*

(3) ***Non-Residential Standards and Uses:*** *This section lists basic Code requirements for Non-Residential Uses and Non-residential use controls.*

(c) The columns in the Zoning Control Tables in Article 2 are organized as follows:

(1) The first column in the Zoning Control Table, titled "Zoning Category," provides either the title of the listed requirement or the Use.

(2) The second column, titled "§ References," contains numbers of other sections in the Planning Code, and other City Codes, in which additional control provisions, including exceptions and definitions where pertinent, are contained. Any requirements in these sections pertinent to the zoning district shall be followed.

(3) In the third and subsequent columns, the controls applicable to the various Districts are indicated either directly, by reference to other Code Sections that contain the controls, or by indicating when a specific requirement is required.

(d) The uses and features listed in the Zoning Control Tables in Articles 2, 7, 8, and 9 are permitted in the Districts as indicated by the following symbols in the respective columns for each district:

P: The use or project is permitted as a principal use in this district.

C: The use or project is subject to approval by the Planning Commission as a conditional use in this district as provided in Section 303 of this Code.

DR. A Mandatory Discretionary Review hearing before the Planning Commission is required before the Planning Department can approve the proposed use or project. Uses or projects subject to Mandatory Discretionary Review may be disapproved or modified by the Planning Commission.

NA: This listing not applicable to this district.

NP or Blank Space: The use or project is not permitted in this district.

R: Required.

(1) Determinations as to the classification of uses not specifically listed shall be made in the manner indicated in Sections 202 and 307(a) of this Code.

(2) References shall be made to Sections 204 through 204.5 for regulations pertaining to accessory uses permitted for principal and conditional uses listed in Sections 206.1 through 206.4.

(3) Reference shall also be made to the other Articles of this Code containing provisions relating to definitions, off-street parking and loading dimensions, areas and open spaces, nonconforming uses, height and bulk districts, signs, historic preservation, and other factors affecting the development and alteration of properties in these use Districts.

(4) Reference shall be made to Section 249.1 for provisions pertaining to uses in the Folsom and Main Residential/Commercial Special Use District.

SEC 202.2. LOCATION AND OPERATING CONDITIONS.

(a) ***Retail Sales and Service Uses.*** *The Retail Sales and Service Uses listed below shall be subject to the corresponding conditions:*

(1) ***Eating and Drinking Uses.*** *Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:*

(A) The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject

business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works.

(B) When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health.

For information about compliance with construction noise requirements, contact the Department of Building Inspection.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department.

(C) While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutant standards, contact the Bay Area Air Quality Management District (BAAQMD) and Code Enforcement, Planning Department.

(D) Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works.

(2) ***Pharmacy.*** *Notwithstanding anything to the contrary in this Code, a pharmacy may operate on a 24-hour basis as a permitted use provided that the following conditions are met during any period between 11:00 p.m. and 6:00 a.m. in which the pharmacy is open for business:*

(A) A pharmacist licensed by the State of California in accordance with the California Business and Professions Code is on duty on the premises;

(B) The pharmacy provides prescription drugs for retail sale; and

(C) The pharmacy provides adequate lighting and security for the safety of customers, residents, and the adjoining property, including adequate lighting and security for any parking facilities provided. Such lighting and security may not negatively impact neighborhood character.

(3) ***Motel.*** *The entrance to a motel must be within 200 feet of and immediately accessible from a major thoroughfare as designated in the General Plan.*

~~***SEC. 229. ESTABLISHMENTS THAT SELL ALCOHOLIC BEVERAGES CONCURRENT WITH MOTOR VEHICLE FUEL.***~~

(b) **Automotive Uses.** *The Automotive Uses listed below shall be subject to the corresponding conditions:*

~~(a)~~ (1) **Prohibition on Sales of Distilled Liquor with Motor Vehicle Fuel.** Any establishment that retails motor vehicle fuel and provides retail sale of alcoholic beverages, other than beer and wine, is prohibited.

~~(b)~~ *(2)* **Conditional Use Authorization Required for Establishments that Sell Beer or Wine with Motor Vehicle Fuel.** Any establishment that proposes to retail motor vehicle fuel and provide retail sale of beer or wine shall require ~~c~~*C*onditional ~~u~~*U*se authorization.~~(1)~~ The Planning Commission may deny authorization or grant ~~c~~*C*onditional *Use* authorization to an applicant based upon the criteria set forth in Section 303(c) of this Code.

~~(2)~~ *(A)* The Planning Commission shall include each of the following as conditions applicable to establishments at which the concurrent sale of motor vehicle fuel and beer or wine occurs:

~~(A)~~ *(i)* No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;

~~(B)~~ *(ii)* No advertisement of alcoholic beverages, including beer and wine, shall be displayed at motor fuel islands;

~~(C)~~ *(iii)* No sale of beer or wine shall be made from a drive-in window;

~~(D)~~ *(iv)* No display or sale of beer or wine shall be made from an ice tub;

~~(E)~~ *(v)* No self-illuminated advertising for beer or wine shall be located on buildings or windows;

~~(F)~~ *(vi)* Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine shall be at least 21 years of age;

~~(G)~~ *(vii)* No alcoholic beverages, other than beer and wine, shall be sold at any time;

~~(H)~~ *(viii)* No beer or wine shall be sold for consumption on the premises;

~~(I)~~ *(ix)* The permittee shall comply with all State statutes, rules, and regulations relating to the sale, purchase, display, possession, and consumption of alcoholic beverages;

~~(J)~~ *(x)* The permittee shall comply with all local statutes, rules, and regulations;

~~(K)~~ *(xi)* The permittee shall not operate the establishment in a manner that presents a nuisance, as defined in California Civil Code Sections 3479 and 3480; and

~~(L)~~ *(xii)* The City may impose sanctions, including suspension or revocation of the ~~c~~*C*onditional ~~u~~*U*se ~~*permit*~~ *authorization*, for violation of any of the terms or conditions of the ~~c~~*C*onditional ~~u~~*U*se ~~*permit*~~ *authorization*.

(B) In acting on any application for ~~c~~*C*onditional ~~u~~*U*se authorization, the Commission shall make written findings and such findings shall be based on substantial evidence in view of the whole record to justify the ultimate decision.

~~(D)~~ *(C)* Where the sale of beer, wine, or motor vehicle fuel are not permitted or conditionally authorized uses, this Subsection shall not be construed to permit or

conditionally authorize such sales to be conducted concurrently. Where the sale of beer and wine and motor vehicle fuel are permitted or conditionally authorized uses, this ~~s~~Subsection shall be construed to require ~~c~~Conditional ~~u~~Use authorization to conduct such sales concurrently.

~~(c)~~ *(D)* **Definitions.** For purposes of ~~this~~ *Subsection 202.2(b)(1) and (2)* ~~Section~~, the following definitions shall apply:

~~(1)~~ *(i)* "Alcoholic beverages" shall be as defined in California Business and Professions Code Section 23004;

~~(2)~~ *(ii)* "Beer" and "wine" shall be as defined in California Business and Professions Code Section 23006 and Section 23007, respectively;

~~(3)~~ *(iii)* "Motor vehicle fuel" shall mean gasoline, other motor fuels, and lubricating oil dispensed directly into motor vehicles; and

~~(4)~~ *(iv)* "Establishment" shall include an arrangement where a lot containing a business selling motor vehicle fuel provides direct access to another business selling alcoholic beverages on the same or adjacent lot.

~~(d)~~ *(E)* **Application to Existing Uses.** Any use lawfully selling motor vehicle fuel and alcoholic beverages (as licensed by the State of California) and existing prior to the effective date of this Section shall be subject to this *Subsection 202.2(b)* ~~Section~~ to the extent allowable by Business and Professions Code Section 23790.

*(3) **Automotive Wash.** Cleaning and polishing are required to be conducted within an enclosed building having no openings, other than fixed windows or exits required by law located within 50 feet of any R District, and that has an off-street waiting and storage area outside the building which*

accommodates at least one-quarter the hourly capacity in vehicles of the enclosed operations, provided: (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device; and (2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.

(c) ***Agriculture Use.*** *The Agricultural Uses listed below shall be subject to the corresponding conditions:*

~~***SEC. 102.35 (c) Water Conservation.***~~

(1) ***Agricultural Uses.*** Any plot of land that exceeds 1,000 square feet and is newly established ~~*for Neighborhood Agriculture or Large Scale Urban Agriculture*~~ shall comply with the applicable water use requirements of Administrative Code Chapter 63. ~~*(2)*~~ Pursuant to Section 63.6.2(b) of the Administrative Code, no permit for any site where the modified land area exceeds 1,000 square feet shall be issued until the General Manager of the Public Utilities Commission has approved the applicable landscape project documentation.

(2) ***Neighborhood Agriculture.*** *Limited sales and donation of fresh food and/or horticultural products grown on site may occur on otherwise vacant property, but such sales may not occur within a Dwelling Unit. Food and/or horticultural products grown that are used for personal consumption are not regulated. The following physical and operational standards shall apply to Neighborhood Agriculture:*

~~***SEC. 102.35. (a) Neighborhood Agriculture.***~~

* * * *

~~(1)~~ *(A)* Compost areas must be setback at least 3 three feet from ~~d~~*D*welling ~~u~~*U*nits and decks;

~~(2)~~ *(B)* If the farmed area is enclosed by fencing, the fencing must be ~~(A)~~ *(i)* wood fencing, ~~(B)~~ *(ii)* ~~o~~*O*rnamental ~~f~~*F*encing as defined by Planning Code Section 102~~.32~~, or ~~(C)~~ *(ii)* chain-link or woven wire fencing if over half of the fence area that borders a public right-of-way will be covered by plant material or other vegetative screening within three years of the fence installation;

~~(3)~~ *(C)* Use of mechanized farm equipment is generally prohibited in ~~r~~*R*esidential ~~d~~*D*istricts; provided, however, that during the initial preparation of the land, heavy equipment may be used to prepare the land for ~~a~~*A*griculture use. Landscaping equipment designed for household use shall be permitted;

~~(4)~~ *(D)* Farm equipment shall be enclosed or otherwise screened from sight;

~~(5)~~ *(E)* Sale of food and/or horticultural products from the use may occur between the hours of 6:00 a.m. and 8:00 p.m.;

~~(6)~~ *(F)* In all districts, sales, pick-ups, and donations of fresh food and horticultural produces grown on site are permitted. In every district except ~~"~~Residential Districts,~~"~~ value-added products, where the primary ingredients are grown and produced on site, are permitted.

(d) ***Industrial Uses.*** *The Industrial and PDR uses listed below shall be subject the corresponding conditions:*

(1) ***Heavy Manufacturing 1, Metal Working and Food, Fiber, and Beverage Processing 1 and 2.*** *These uses are required to operate within a completely enclosed building, with no*

opening, other than fixed windows or exits required by law, within 50 feet of any R District; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

*(2) **Heavy Manufacturing 2, Junk Yard, Power Plant and Hazardous Waste Facilities.** These uses are required to operate within a completely enclosed building, with no opening, other than fixed windows or exits required by law, within 200 feet of any R or NC District; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.*

*(3) **Heavy Manufacturing 3, Livestock Processing 1 &2, and Volatile Materials Storage.** These uses are required to operate within a completely enclosed building, with no opening, other than fixed windows or exits required by law, within 500 feet of any R District or NC District; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.*

*(4) **Automobile Wrecking.** Automobile Wrecking operations are subject to the following operating conditions:*

(A) There shall be sufficient working space on the property to permit proper functioning of the operation without use of any public right-of-way for storage of inoperable vehicles or parts;

(B) The operation shall be clearly separated from adjacent properties and public rights-of-way; and

(C) the operation be conducted not less than 500 feet from any R or NC District. No automobile wrecking operation lawfully existing at the effective date hereof shall be continued more than three years from said date unless a conditional use authorization for such operation has been granted pursuant to this Code, provided, however, that no such automobile wrecking operation eligible for governmental payments to assist relocation shall be continued more than one and one-half years

from said effective date unless a conditional use authorization for such operation has been granted pursuant to this Code.

(5) ***Truck Terminal.*** *A Truck Terminal Facility must be located not less than 200 feet from any R District.*

(e) ***Institutional Uses.*** *The Institutional Uses listed below shall be subject to the corresponding conditions:*

(1) ***Medical Cannabis Dispensaries.*** *Medical Cannabis Dispensaries are required to meet all of the following conditions:*

(A) Medical Cannabis Dispensary shall apply for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code prior to submitting an application to the Planning Department;

(B) If medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary shall not be located less than 1,000 feet from the parcel containing the grounds of an elementary or secondary School, public or private, or a Public Facility, Community Facility, or Private Community Facility that primarily serves persons under 18 years of age, unless not required by State law and, regardless of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, if the dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a community clubhouse that primarily serves persons under 18 years of age, or a Public Facility or Community Facility that primarily serves persons under 18 years of age;

(C) If medical cannabis is smoked on the premises, the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises;

(D) Regardless of whether medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary shall not be located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health;

(E) Alcohol shall not be sold or distributed on the premises for on- or off-site consumption;

(F) Upon acceptance of a complete application for a building permit for a medical cannabis dispensary, the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all individuals or groups that have made a written request for notification regarding specific medical cannabis dispensaries;

(G) All building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties, and neighborhood groups;

(H) After this 30-day period, the Planning Commission shall schedule a hearing to consider whether to exercise its discretionary review powers over the building permit application for a medical cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in accordance with Section 312(e) of this Code; and

(I) Any permit issued for a medical cannabis dispensary shall contain the following statement in boldface type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law."

(f) ***Residential Uses.*** *The Residential uses listed below shall be subject to the corresponding conditions:*

(1) ~~***SEC. 102.6.1. Dwelling Specifically Designed for and Occupied by Senior Citizens.***~~ ***Senior Housing.***

(a) ~~***Definitions.***~~ In order to qualify as a "dwelling specifically designed for and occupied by senior citizens," the following definitions shall apply and shall have the same meaning as the definitions in California Civil Code Sections 51.2, 51.3, and 51.4, as amended from time to time. These definitions shall apply as shall all of the other provisions of Civil Code Sections 51.2, 51.3, and 51.4. Any development specifically designed for and occupied by senior citizens must also be consistent with the Fair Housing Act, 42 U.S.C. §§ 3601-3631 and the Fair Employment and Housing Act, California Government Code Sections 12900-12996.

(A) "Designed to meet the physical and social needs of senior citizens" shall mean a development that meets the requirements of Civil Code Section 51.2(d), is constructed on or after January 1, 2001, and includes all of the following elements:

~~*(1)*~~ *(i)* Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.

~~(2)~~ *(ii)* Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.

~~(3)~~ *(iii)* Walkways and hallways in the common areas shall have lighting conditions that are of sufficient brightness to assist persons who have difficulty seeing.

~~(4)~~ *(iv)* Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.

~~(5)~~ *(v)* The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.

~~(6)~~ *(vi)* Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.

~~(7)~~ *(vii)* The development shall comply with all other applicable requirements for access and design imposed by law including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601, et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101, et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. Nothing in this section shall be construed to limit or reduce any right or obligation applicable under those laws.

(B) "Qualifying Resident" or "Senior Citizen" means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

(C) "Senior Citizen Housing Development" means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units. Any senior citizen housing development that is required to obtain a public report under Section 11010 of the Business and Professions Code and that submits its application for a public report after July 1, 2001, shall be required to have been issued a public report as a senior citizen housing development under Section 11010.05 of the Business and Professions Code. No housing development constructed prior to January 1, 1985, shall fail to qualify as a senior citizen housing development because it was not originally developed or put to use or occupancy by senior citizens.

~~(b)~~ (D) **Requirements:** In order to qualify as a dwelling specifically designed for and occupied by senior citizens for purposes of Section 209.1, the proposed project must meet all of the following conditions:

~~(1)~~ (i) **Design and construction:** The project must be designed to meet the physical and social needs of senior citizens as defined herein.

~~(2)~~ (ii) **Occupancy:** Each proposed dwelling unit must be initially put to use by senior citizens and shall be limited to the occupancy of senior citizens or other qualifying residents under Civil Code Section 51.3 for the actual lifetime of the building, regardless of whether the units will be owner-occupied or renter-occupied. The project must meet all of the requirements of Civil Code Section 51.3 including, but not limited to, the requirement that the covenants, conditions, and restrictions shall set forth limitations on occupancy, residency, and use based on age. Any such limitation shall not be more exclusive than to require that one person in residence in each dwelling unit may be required to be a

senior citizen and that each other resident in the same dwelling unit may be required to be a qualified permanent resident as defined in Civil Code Section 51.3(b), a permitted health care resident as defined in Civil Code Section 51.3(b), or a person under 55 years of age whose occupancy is permitted under Civil Code Section 51.3 or Section 51.4(b). That limitation may be less exclusive but shall at least require that the persons commencing any occupancy of a dwelling unit include a senior citizen who intends to reside in the unit as his or her primary residence on a permanent basis. The application of the rules set forth in this Section and in State law may result over time in less than all of the dwellings being actually occupied by a senior citizen.

~~(3)~~ *(iii)* **Inclusionary Housing Requirements:** If the project must meet the requirements of the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 et seq., the inclusionary units must be constructed on site and, like the other units in the project, will be limited to occupancy as stated above.

~~(4)~~ *(iv)* **Location:** The proposed project must be within a ¼ of a mile from a NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including named neighborhood commercial districts, and must be located in an area with adequate access to services, including but not limited to transit, shopping, and medical facilities;

(5) *(v)* **Recording:** The project sponsor must record a Notice of Special Restriction with the Assessor-Recorder that states all of the above restrictions and any other conditions that the Planning Commission or Department places on the property; and

~~(6)~~ *(vi)* **Covenants, Conditions, and Restrictions:** If the property will be condominiumized, the project sponsor must provide the Planning Department with a copy of the Covenants, Conditions, and Restrictions ("CC&R") that will be filed with the State.

~~*(7) As provided for in Section 209.1(m), a proposed project that meets all of the requirements under this Section may be principally permitted. As provided for in Section 209.1(o), for a proposed project that meets all of the requirements under this section, except for subsection (4), a Conditional Use Authorization is required.*~~

~~(8)~~ *(E)* ***Density:*** For the purpose of qualifying for and receiving additional density at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted, the project sponsor shall enter into a contract with the City acknowledging that the additional density received under Section 209.1(m) or (o) is a form of assistance specified in California Government Code Sections 65915 et seq. for purposes of Civil Code Section 1954.52(b) of the Costa-Hawkins Rental Housing Act. All such contracts must be reviewed and approved by the Mayor's Office of Housing and approved as to form by the City Attorney. All contracts that involve 100 percent % affordable housing projects in the residential portion shall be executed by the Director of the Mayor's Office of Housing. Any contract that involves less than 100 percent % affordable housing in the residential portion, may be executed by either the Director of the Mayor's Office of Housing or, after review and comment by the Mayor's Office of Housing, the Planning Director.

(g) ***Other Uses.*** *The uses listed below are subject to the corresponding controls:*

(1) ***Small Enterprise Workspace (S.E.W).*** *S.E.W.'s are subject to the following conditions:*

(A) A S.E.W. building must meet the following requirements:

(i) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70);

(ii) Any non-accessory retail uses are subject to any per parcel size controls of the subject zoning district;

(iii) No residential uses shall be permitted;

(iv) Each of the units in the building must contain no more than 1,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in subsection (E) below

(v) An S.E.W. building may contain units larger than 1,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of this Section, a PDR use is defined in Section 102 of this Code. Such PDR units may be independently accessible from the street.

(vi) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in gross floor area of any unit shall be permitted only as long as the provisions of this subsection (D) and (E) are met.

(B) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after January 19, 2009.

(C) Where permitted, S.E.W. Buildings are exempt from the controls in Sec. 230 limiting demolition of industrial buildings.

(D) S.E.W. projects shall provide a PDR Business Plan in accordance with the requirements of Section 219.1(c)(9).

(E) In considering the approval of a S.E.W. project, the Planning Commission should consider the likely viability of the new PDR space that the development creates, as influenced by such facts as the content of the project sponsor's PDR Business Plan and whether the project sponsor has the commitments of established PDR tenants and/or a demonstrated relationship with organizations established in the PDR community.

***SEC. ~~218.2~~ 202.3.* LIMITATION ON CHANGE IN USE OR DEMOLITION OF GENERAL GROCERY STORE USE.**

Notwithstanding any other provision of this Article, a change in use or demolition of a ~~g~~*G*eneral ~~g~~*G*rocery ~~s~~*S*tore use, ~~a retail sales use~~ as set forth in Section ~~218(a)~~ *102* and as further defined in Section 790.102, which use exceeds 5,000 gross square feet shall require ~~c~~*C*onditional ~~u~~*U*se authorization pursuant to Section 303 *of this Code*. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

SEC. *202.4.* ~~221.1~~ LIMITATION ON CHANGE IN USE OR DEMOLITION OF MOVIE THEATER USE.

Notwithstanding any other provision of this Article, a change in use or demolition of a Movie Theater use, as ~~set forth~~ *defined* in Section ~~221(d)~~ *102* shall require Conditional Use authorization pursuant to Section 303, including the specific conditions in that Section for conversion of such a use. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

SEC. *202.5* ~~228~~ CONVERSION OF AUTOMOTIVE SERVICE STATIONS.

* * * *

(b) **Definitions.** Whenever used in this Section, unless a different meaning clearly appears from the context:

(1) "Automotive Service Station" or "service station" shall mean a retail automotive service use ~~*which provides motor fuels and lubricating fluids directly into motor vehicles and performs minor auto repairs and services which remain incidental to the principal sale of motor fuel,*~~ as defined in Section~~s~~ *102* ~~*790.17 and 890.18*~~ of this Code.

* * * *

(c) **Limitation on Conversions.**

(1) No owner of a property used as an Automotive Service Station shall change the use of the property to a different type of use without first applying for and receiving either a ~~c~~Conditional ~~u~~Use authorization from the Planning Commission or a conversion determination from the Zoning Administrator. Such authorizations shall be in addition to any other permit or authorization required for a proposed service station conversion under any applicable City, State, or Federal law or regulation. Automotive Service Stations that front on Primary Transit Streets or Citywide Pedestrian Network Streets, as designated in the General Plan, shall be exempt from the conversion limitations of this Section. The procedures for service station conversion applications shall be as described in Sections 306 and 306.1 of this Code for conditional use and variance actions.

(2) Either the Planning Commission or the Zoning Administrator shall determine at a public hearing whether an applicant is entitled to convert the service station, depending on the grounds on which the permit is sought. The Planning Commission shall make ~~c~~Conditional ~~u~~Use authorization determinations based on the criteria set forth in Subsection

(d). The Zoning Administrator shall make service station conversion determinations under the grounds set forth in Subsection (e). An applicant may, but need not, apply to the Planning Commission for a ~~c~~Conditional ~~u~~Use authorization pursuant to Subsection (d) and apply to the Zoning Administrator for a conversion authorization pursuant to Subsection (e), provided that if either one approves the application at the first hearing held on it, no hearing shall be necessary before the other. The procedures for service station conversion hearings shall be as described in Sections 306 through 306.5 and 306.8 of this Code for conditional use action (Planning Commission hearings) and variance action.

(d) **Criteria for Planning Commission Conditional Use Authorization.** In acting on any application for ~~c~~Conditional ~~u~~Use authorization for conversion, the Commission shall consider the following criteria in lieu of the criteria set forth in Section 303(c) of this Code.

* * * *

(3) In making determinations under Subsection (1)(B), the Planning Commission shall consider the following factors:

(A) If the proposed use is a ~~r~~Residential use, the total number of units to be provided and the number of those units that are affordable units;

(B) If the proposed new use is a ~~c~~Commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity;

(C) The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the

service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders;

(D) The relative environmental dangers posed by the current and proposed uses including, but not limited to, the quality and character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the cleanup of existing contamination at the property;

(E) The relative employment opportunities offered by the service station and the proposed new use;

(F) The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use;

(G) The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code; and

(H) Whether the service station use and the proposed use are permitted principal uses, conditional uses, or nonconforming uses.

(e) **Criteria for Zoning Administrator Conversion Determination.** The Zoning Administrator shall approve the application and authorize the service station conversion if the Zoning Administrator determines from the facts presented that the owner of the subject property is not earning a ~~f~~Fair ~~r~~Return on ~~i~~Investment, *as defined in Section 102*. The owner shall bear the burden of proving that the owner is not earning a ~~f~~Fair ~~r~~Return on ~~i~~Investment.

(1) **Application.** A property owner's application under this Section shall be signed by the owner or an authorized representative of the owner and, under penalty of

perjury, declared to contain true and correct information. The application shall be accompanied by:

(A) An independent appraisal of the property stating its value;

(B) A written statement from an independent Certified Public Accountant summarizing the applicant's financial records, including the property appraisal and stating the return on investment calculated pursuant to ~~this~~ Section *102*;

(C) A certified statement from the Certified Public Accountant identifying the owner of the property and the owner of the service station business; and

(D) Such other financial information as the Zoning Administrator may reasonably determine is necessary to make the determination provided for in this Section.

(2) **Rebuttable Presumption.** There shall be a rebuttable presumption that the property owner is earning a ~~f~~*F*air ~~r~~*R*eturn on ~~i~~*I*nvestment if the property owner has earned at least a ~~9~~ *nine* percent return on the property owner's total investment in the property for the 24-month period immediately preceding the filing of the application, or in the case of a service station business that ceased operations after October 12, 1989, for the 24-month period immediately preceding the date the service station ceased operations. The property owner may rebut this presumption by offering evidence demonstrating that because of special facts regarding his or her property the property owner is not earning a ~~f~~*F*air ~~r~~*R*eturn on ~~i~~*I*nvestment or that because of special demonstrated circumstances the applicant would not earn a fair return on investment from service station use during that 12-month period after the filing of the service station conversion application.

* * * *

SEC. *202.6* ~~*233*~~ LIVE/WORK UNITS.

No City official, department, board or commission shall issue or approve a building permit or other land use entitlement authorizing a new Live/Work Unit, as defined in Section 102~~.13~~ of this Code, except as authorized as an accessory use under Section 204.4. Lawfully approved Live/Work Units are subject to the nonconforming use provisions of Section 181 of this Code.

SEC. *202.7.* ~~*230*~~ DEMOLITION OF INDUSTRIAL BUILDINGS IN PDR DISTRICTS, REPLACEMENT REQUIREMENTS.

(a) In order to preserve the existing stock of buildings suitable for industrial activities and to create new viable space for ~~i~~Industrial *Uses* ~~*operations*~~*, as defined in Section 102,* in PDR Districts, an industrial building that is not unsound and is proposed for demolition must be replaced by a new building that complies with the criteria set forth below:

(1) If the building proposed for demolition represents greater than 0.4 FAR, then the replacement building shall include at least one square foot of ~~i~~Industrial ~~u~~Use for each square foot of ~~i~~Industrial ~~u~~Use in the building proposed for demolition.

(2) If the building proposed for demolition represents 0.4 FAR or less, then the replacement building shall include at least two square feet of ~~i~~Industrial ~~u~~Use for each square foot of ~~i~~Industrial ~~u~~Use in the building proposed for demolition.

(b) **Definitions.** For the purpose of this ~~s~~Subsection, the following definitions shall apply:

(1) Unsound shall refer to buildings in which rehabilitation would cost ~~*fifty*~~ *50* percent ~~*(50%)*~~ or more to construct a comparable building.

(2) ~~*For purposes of this section, industrial use shall refer to any legally authorized use of a building or portion of a building that is included in Planning Code Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), 227(c), 227(t), and 227(u).*~~

~~*(3)*~~ An industrial building shall mean any building containing any ~~*i*~~*I*ndustrial ~~*u*~~*U*se.

SEC. 204. ACCESSORY USES, GENERAL.

Subject to the limitations set forth in this Code, and especially as specified in Sections 204.1 through 204.5, a related minor use ~~*which*~~ *that* is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use~~,~~; or (b) appropriate, incidental, and subordinate to any such use~~,~~; and (c) in the case of Internet Services Exchange as defined in Section *102*, ~~*209.6(c)*~~ which use does not exceed 25,000 gross square feet of floor area or use more than two megawatts of back-up power generators, shall be permitted as an accessory use when located on the same lot~~,~~, provided, however, that in the Outer Clement Neighborhood Commercial District the storage of materials for a commercial use shall be permitted as an accessory use if the storage occurred prior to 1985, if it is within 200 feet of the use to which it is accessory, if it is accessible to the principal permitted use without the use of a public sidewalk or other public right-of-way, and if the provision of storage would not conflict with the provisions of Section 145.1 relating to street frontage in N-C Districts. In PDR Districts, accessory uses to non-*O*~~o~~ffice uses (as defined in Section *102* ~~*890.70*~~) may occupy space ~~*which*~~*that* is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses.

SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ~~*R OR NC*~~ *ALL* DISTRICTS.

No use shall be permitted as an accessory use to a dwelling unit in any ~~*R or NC*~~ District ~~*which*~~*that* involves or requires any of the following:

(a) Any construction features or alterations not residential in character;

(b) The use of more than ~~*1/4*~~ *one-third* of the total floor area of the dwelling unit, except in the case of accessory off-street parking and loading or Neighborhood Agriculture as defined by Section 102~~*.35*~~;

(c) The employment of any person not resident in the dwelling unit, other than a domestic servant, gardener, janitor, or other person concerned in the operation or maintenance of the dwelling unit~~.~~ *except in the case of a Cottage Food Operation, which allows the employment of one employee, not including a family member or household members of the Cottage Food Operation*;

(d) Residential occupancy by persons other than those specified in the definition of family in this Code;

(e) In RH-1(D), RH-1, and RH-1(S) Districts, the provision of any room for a roomer or boarder with access other than from within the dwelling unit;

(f) Addition of a building manager's unit, unless such unit meets all the normal requirements of this Code for dwelling units;

(g) The maintenance of a stock in trade other than garden produce related to Neighborhood Agriculture as defined by Section 102~~*.35*~~, *or materials and products related to a Cottage Food Operation;* or

(h) ~~t~~The use of show windows or window displays or advertising to attract customers or clients; ~~or~~

(~~h~~i) The conduct of a business office open to the public other than sales related to garden produce of Neighborhood Agriculture as defined by Section 102~~.35~~, *or the finished products of a Cottage Food Operation*; or

(~~i~~j) A Medical Cannabis Dispensary as defined in Section 102 ~~209.3(k) and 217(k)~~ of this Code.

Provided, however, that Subsection (~~h~~l) of this Section shall not exclude the maintenance within a ~~d~~Dwelling ~~u~~Unit of the office of a professional person who resides therein, if accessible only from within the dwelling unit; and provided, further, that Subsection (~~g~~h) shall not exclude the display of signs permitted by Article 6 of this Code.

SEC. 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN RESIDENTIAL DISTRICTS.

No use shall be permitted as an accessory use to a use other than a dwelling in any Residential District *that* ~~which~~ involves or requires any of the following:

(a) The use of more than one-fourth of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading;

(b) The use of show windows or window displays or advertising to attract customers or clients, except for an identifying sign and regulated in Article 6 of this Code; or

(c) The conduct of any activity of a profit-making or commercial nature, except as an integral part of the permitted principal or conditional use where such activity is expressly permitted by *the Zoning Control Table for the district* ~~*Sections 209.1 through 209.9 of this Code*~~; or

(d) A Medical Cannabis Dispensary as defined in Section *102* ~~*209.3(k) and 217(k)*~~ of this Code.

SEC. 204.3. ACCESSORY USES *FOR USES OTHER THAN DWELLINGS* IN C, RC, M, AND PDR DISTRICTS.

* * * *

(b) **PDR and M Districts.** No use shall be permitted as an accessory use to a lawful principal or conditional use in any PDR or M District *that* ~~*which*~~ involves or requires the use of more than one-third (1/3) of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory retail, off-street parking, and loading. Multiple PDR uses within a single building or development may combine their accessory retail allotment into one or more shared retail spaces, provided that the total allotment of accessory retail space per use does not exceed what otherwise would be permitted by this Section.

SEC. 205.2. TEMPORARY USES: ONE- OR TWO-YEAR LIMIT.

A temporary use may be authorized for a period not to exceed two years for any of the following uses:

(a) Temporary structures and uses incidental to the construction of a group of buildings on the same or adjacent premises;

(b) Rental or sales office incidental to a new residential development, not including the conduct of a general real estate business~~;~~, provided~~,~~ that it be located within the development, and in a temporary structure or part of a dwelling. A temporary use may be authorized for a period not to exceed one year (including any extensions) for the following year.

(c) In any M-1 or M-2 District, an ~~a~~Automobile ~~w~~Wrecking *use* ~~*operation covered by*~~ *as defined in* Section *102* ~~*225(p)*~~ of this Code, provided~~,~~ if the operation would be a conditional use in the district in question, that the Zoning Administrator determines the operation will meet within 90 days of commencing operation all conditions applicable to such use in that district.

SEC. 205.4. TEMPORARY USES: INTERMITTENT ACTIVITIES.

An intermittent activity is an outdoor use which, while occasional, occurs with some routine or regularity. Intermittent activities include, but are not limited to, the following uses: mobile food facilities, farmers markets, and open-air craft markets. Such uses typically require additional authorization(s) from other City Departments. An intermittent activity may be authorized as a temporary use for a period not to exceed one year.

(a) In all Districts other than RH, RM, RED~~,~~ and RTO Districts an intermittent activity is permissible if it satisfies all of the following conditions:

(1) It shall not be located within a *B*~~*b*~~uilding as defined in Section *102* ~~*102.3*~~ of this Code.

(2) It shall not be located on the property for more than either: (i) ~~*six*~~ ~~*(6)*~~ calendar days for longer than 12 hours per day in any ~~*seven*~~ *7*-day period; or (ii) ~~*three*~~ ~~*(3)*~~ calendar days for longer than 24 hours per day in any ~~*seven*~~ *7*-day period. At the time of application, the

applicant shall designate in writing which of the foregoing options shall apply to the activity. No changes shall be made during the authorization period without first filing a new application.

(A) The time periods referenced in Subsection (a)(2) each constitute complete calendar days and apply without regard to whether the activity is open to the public or whether the activity is located on the subject property for consecutive days.

(B) Days of unused authorization cannot be stored or credited, and any portion of a day that the intermittent activity is located at the subject property shall count toward the 12-hour or the 24-hour limit of Subsection (a)(2).

(C) This Subsection (a)(2) shall not apply to any ~~m~~Mobile ~~f~~Food ~~f~~Facility located within a Public (P) District that together with any directly adjoining P District(s) contains more than one ~~(1)~~ acre.

(3) It shall be open for business only during the hours of operation permitted as a principal use for the District in which it is located, if any such hourly limits exist.

(4) If located in a District that is subject to any of the neighborhood notification requirements as set forth in Section 312 *of this Code*, notification pursuant to Section 312 shall be required as follows:

(A) Notification shall be required if the vending space, as defined below, would exceed 300 square feet.

(B) Notification shall be required if any portion of the vending space would be located within 50 feet of an RH, RM, RED~~,~~ or RTO District. Distances to RH, RM, RED, and RTO Districts shall be measured from the extreme perimeter of any vending space to the nearest property line of any parcel which is partially or wholly so zoned.

(C) For purposes of this Section, "Vending Space" shall be defined as the entire area within a single rectangular perimeter formed by extending lines around the extreme limits of all carts, vehicles, tables, chairs, or other equipment associated with all intermittent activities located on the parcel.

(D) Notwithstanding Subsections (4)(A) and (B) above, and in order to eliminate redundant notification, notification shall not be required for the resumption of an intermittent activity or the extension of time for an intermittent activity when all of the following criteria are met: (i) an intermittent activity is currently authorized on the property or has been authorized on the property within the 12 months immediately preceding the filing of an application for resumption or extension; (ii) the existing or recent intermittent activity lawfully exceeds or exceeded the thresholds of Subsections (4)(A) and/or (B), above, and was the subject of neighborhood notice under Section 312 at the time of its establishment; and (iii) the intermittent activity would not further exceed the thresholds of Subsections (4)(A) and/or (B), above.

(b) An intermittent activity is allowed in a RH, RM, RED, and RTO District only if it: (1) satisfies all the conditions set forth in Subsection (a)*;* and (2) is located on a parcel that contains or is part of a *Hospital* ~~*medical institution*~~, as defined in Section *102*~~*-209.3(a),*~~ or a ~~*p*~~*P*ost-~~*s*~~*S*econdary ~~*e*~~*E*ducational ~~*i*~~*I*nstitution, as defined in Section *102*~~*-209.3(i)*~~. An intermittent activity authorized under this Subsection shall not operate between the hours of 10*:00* p.m. to 7*:00* a.m.

SEC 206. *(RESERVED).*

SEC. 207. DENSITY OF DWELLING UNITS ~~*IN R DISTRICTS*~~.

The density of dwelling units permitted in the various ~~R~~ Districts shall be as set forth in *the Zoning Control Table for the district in which the lot is located* ~~*Sections 207.1, 207.2, 207.5 and 209.1 of this Code*~~. The term "~~d~~Dwelling ~~u~~Unit" is defined in Section *102* ~~*102.7*~~ of this Code.

SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.

In districts that establish a maximum dwelling unit density, the following rules shall apply in the calculation of dwelling unit densities under this Code:

(a) The entire amount of lot area per ~~d~~Dwelling ~~u~~Unit specified by the Code shall be required for each ~~d~~Dwelling ~~u~~Unit on the lot. A remaining fraction of one-half or more of the minimum amount of lot area per ~~d~~Dwelling ~~u~~nit shall be adjusted upward to the next higher whole number of ~~d~~Dwelling ~~u~~Units.

(b) Where permitted by this Code, two or more of the dwelling and other housing uses specified in the Code may be located on a single lot, either in one structure or in separate structures, provided that the specified density limits are not exceeded by the total of such combined uses. Where ~~d~~Dwelling ~~u~~Units and ~~g~~Group ~~h~~Housing are combined, the maximum permitted density for ~~d~~Dwelling ~~u~~Units and for ~~g~~Group ~~h~~Housing shall be prorated to the total lot area according to the quantities of these two uses that are combined on the lot.

(c) Where any portion of a lot is narrower than five feet, such a portion shall not be counted as part of the lot area for purposes of calculating the permitted dwelling density.

(d) No private right-of-way used as the principal vehicular access to two or more lots shall be counted as part of the lot area of any such lot for purposes of calculating the permitted dwelling unit density.

(e) Where a lot is divided by a use district boundary line, the dwelling unit density limit for each district shall be applied to the portion of the lot in that district, and none of the ~~d~~Dwelling ~~u~~Units attributable to the district permitting the greater density shall be located in the district permitting the lesser density.

(f) For projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking and receiving a density bonus under the provisions of California Government Code Section 65915, where 20 percent or more of the ~~d~~Dwelling ~~u~~Units on-site are "Affordable Units," the on-site Affordable Units shall not count towards the calculation of dwelling unit density. This Planning Code Section does not provide exceptions to any other Planning Code requirements such as height or bulk. For purposes of Section 207.1, "Affordable Units" shall be defined as meeting (1) the criteria of Section 406(b); (2) the requirements of Section 415 et seq. for on-site units; or (3) restricted units in a project using California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax Credit Allocation Committee (TCAC). If a project sponsor proposes to provide "Affordable Units" that are not restricted by any other program, in order to receive the benefit of the additional density permitted under this Subsection (f) or Subsection (g), the project sponsor shall elect and the Planning Department and MOHCD shall be authorized to enforce, restricting the units as affordable under Planning Code Section 415.6 up to a maximum of 20 percent of the units in the principal project. The project sponsor shall make such election through the procedures described in Section 415.5(g) including submitting an Affidavit of Compliance indicating the project sponsor's election to pursue the benefits of Subsection (f) or (g) and committing to 20% on-site units restricted under Section 415.6 prior to approval by the

Planning Commission or Planning Department staff. If a project sponsor obtains the exemption from the density calculation for Affordable Units provided in this subsection, the exemption shall be recorded against the property. Any later request to decrease the number of Affordable Units shall require the project to go back to the Planning Commission or Planning Department, whichever entity approved the project as a whole.

(g) In RTO Districts, on-site ~~d~~*D*welling ~~u~~*U*nits that are "Affordable Units," as defined in Subsection (f), shall not count toward density calculations or be limited by lot area.

(h) ***Double Density for Senior Housing in RH, RM, and RC Districts.*** *Senior Housing, as defined in and meeting all the criteria and conditions defined in Section 102 of this Code, is permitted up to twice the dwelling unit density otherwise permitted for the District.*

Projects in RC Districts or within one-quarter of a mile from an RC or NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including named Neighborhood Commercial Districts, and located in an area with adequate access to services including but not limited to transit, shopping, and medical facilities, shall be principally permitted. Projects in RH and RM Districts located more than one-quarter of a mile from an RC or NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including named Neighborhood Commercial Districts, shall require Conditional Use authorization.

SEC. 207.2. SECOND UNITS.

(a) Second units, as defined and referred to in Government Code Section 65852.2, are precluded in RH-1(D) and RH-1 zoned areas, except *for* ~~*where second units are currently permitted under Section 209.1(m) or (n) for*~~ units designed for and occupied by senior citizens

("Senior Housing" as defined by Section 102) and except as may hereafter be permitted by later amendments to this Code governing second units.

* * * *

(15) There are no large districts suitable for the provision of second units, but instead there are small subareas which must be reviewed on a case-by-case basis with community participation in the review process. A case-by-case review is needed in order to determine those areas of the City where the traffic congestion problems described above would be least likely to occur and where second units may therefore be permitted without adverse impact to the public. Furthermore:

(A) The Planning Code presently permits a secondary unit in all single-family homes in RH-1(S) (House, One-Family with Minor Second Unit), RH-2 (House, Two-Family) and RH-3 (House, Three-Family) Districts no matter what the lot size. Second units in single-family homes are permitted in all other multifamily residential districts (all RM and RC Districts), depending on the size of the lot.

(B) The Planning Code ~~*Section 209.1(c)*~~ permits the mapping of the RH-1(S) (House, One-Family with Minor Second Unit) District. These RH-1(S) Zoning Districts provide for a two-family dwelling with the second dwelling limited to 600 square feet of net floor area. The second unit remains subordinate to the owner's unit and the structures retain the appearance of single-family dwellings. The RH-1(S) Zoning District has been mapped in four areas of the City. Additional mapping of the RH-1(S) Zoning District may be used to legalize existing secondary units in single-family homes and to increase the number of secondary units.

(C) Dwellings specifically designed for and occupied by senior citizens *("Senior Housing")* are presently permitted at a density ratio or number of ~~d~~*D*welling ~~u~~*U*nits not exceeding twice the number of ~~d~~*D*welling ~~u~~*U*nits otherwise permitted as a principal use in the district by the ~~City~~ Planning Code ~~*(Section 209.1(m) and (n)*~~.

* * * *

SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, RCD, NCT, DTR, AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

* * * *

(b) **Applicability.**

(1) This Section shall apply in the RTO, RCD, NCT, DTR, and Eastern Neighborhoods Mixed Use Districts.

(2) This Section shall apply to all applications for building permits and/or Planning Commission entitlements *that* ~~*which*~~ propose the creation of five or more ~~d~~*D*welling ~~u~~*U*nits.

(3) This Section does not apply to buildings for which 100 percent of the residential uses are: ~~g~~*G*roup ~~h~~*H*ousing, ~~d~~*D*welling ~~u~~*U*nits *that* ~~*which*~~ are provided at below market rates pursuant to Section 406(b)(1) of this Code, Single Room Occupancy *(SRO)* Units, Student Housing ~~*(as defined in Sec. 102.36),*~~ *(all as defined in Section 102 of this Code)* or housing specifically and permanently designated for seniors or persons with physical disabilities.

* * * *

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.

Except for single room occupancy units in the South of Market Mixed Use Districts, the density limitations for ~~g~~Group ~~h~~Housing, as described in Sections 102 ~~209.2(a), (b), and (c)~~, 790.88(b) and 890.88(b) of this Code, shall be as follows:

(a) The maximum number of ~~b~~Bedrooms on each ~~l~~Lot shall be as specified in the Zoning Control Table ~~following~~ table for the ~~d~~District in which the ~~l~~Lot is located, except that in RTO, RTO-M, RCD, UMU, MUG, WMUG, MUR, MUO, WMUO, RED, RED-MX, SPD, DTR, and all NCT ~~d~~Districts the density of ~~g~~Group ~~h~~Housing shall not be limited by lot area, and except that for ~~l~~Lots in NC Districts, the group housing density shall not exceed the number of ~~b~~Bedrooms permitted in the nearest Residential District provided that the maximum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located.

~~*Table 208*~~
~~*MAXIMUM DENSITY FOR*~~
~~*GROUP HOUSING*~~

~~*District*~~	~~*Minimum Number of Square Feet of Lot Area for Each Bedroom*~~
~~*RH-2*~~	~~*415*~~
~~*RH-3, RM-1, RC-1*~~	~~*275*~~
~~*RM-2, RC-2*~~	~~*210*~~
~~*RM-3, RC-3*~~	~~*140*~~
~~*RM-4, RC-4*~~	~~*70*~~
-	-

~~*NC-1*~~	~~*275*~~
~~*NC-2*~~	-
~~*NC-S*~~	-
~~*Inner Sunset*~~	-
~~*Sacramento Street*~~	-
~~*West Portal Avenue*~~	-
-	-
~~*NC-3*~~	~~*210*~~
~~*NC-S*~~	-
~~*Castro Street*~~	-
~~*Inner Clement Street*~~	-
~~*Outer Clement Street*~~	-
~~*Upper Fillmore Street*~~	-
~~*Haight Street*~~	-
~~*Union Street*~~	-
~~*24th Street Noe Valley*~~	-
-	-
~~*Broadway*~~	~~*140*~~

~~*Upper Market Street*~~	-
~~*North Beach*~~	-
~~*Polk Street*~~	-
-	-
~~*Chinatown Community Business*~~	~~*70*~~
~~*Chinatown Residential*~~	-
~~*Neighborhood Commercial*~~	-
~~*Chinatown Visitor Retail*~~	-
-	-
~~*RSD, SLR, SLI and SSO*~~	~~*70*~~

(b) For purposes of calculating the maximum density for ~~g~~Group ~~h~~Housing as set forth ~~herein~~ *in this Section 208*, the number of ~~b~~Bedrooms on a ~~l~~Lot shall in no case be considered to be less than one ~~b~~Bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each ~~b~~Bedroom, each two beds shall be considered equivalent to one ~~b~~Bedroom.

(c) The rules for calculation of dwelling unit densities set forth in Section 207.1 shall also apply in calculation of the density limitations for ~~g~~Group ~~h~~Housing, except that in NC

Districts, any remaining fraction of *one-half* ~~½~~ or more of the maximum amount of lot area per ~~b~~Bedroom shall be adjusted upward to the next higher whole number of ~~b~~Bedrooms.

(d) The group housing density in all RTO Districts and all NCT Districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Residential Design Guidelines in RTO ~~d~~Districts, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

SEC. *209.* ~~206.~~ DESCRIPTION AND PURPOSE OF RESIDENTIAL *AND RESIDENTIAL-COMMERCIAL* DISTRICTS.

The following statements of description and purpose outline the main functions of the *Residential and Residential-Commercial* (Residential) Districts in the zoning plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

(a) ***Purpose.*** These ~~d~~Districts are established for purposes of implementing the Residence element and other elements of the General Plan, according to the objectives, principles, and policies stated therein. Among these purposes are the following:

~~(a)~~ *(1)* Preservation, improvement, and maintenance of the existing housing stock through protection of neighborhood environments and encouragement of sound ownership practices and rehabilitation efforts;

~~(b)~~ *(2)* Recognition and protection of the architectural characteristics and densities of existing residential areas;

~~(c)~~ *(3)* Maximizing of housing choice by assuring the availability of quality owner and rental housing of various kinds, suitable for a whole range of household types, lifestyles, and economic levels;

~~(d)~~ *(4)* Encouragement of residential development that will meet outstanding community needs, provide adequate indoor and outdoor spaces for its occupants, and relate well to the character and scale of existing neighborhoods and structures; and

~~(e)~~ *(5)* Promotion of balanced and convenient neighborhoods having appropriate public improvements and services, suitable nonresidential activities that are compatible with housing and meet the needs of residents, and other amenities that contribute to the livability of residential areas.

~~*Additional purposes for Eastern Neighborhoods and South of Market Mixed Use Districts are listed in Article 8 of this Code.*~~

*(b) **Uses and Features Permitted in Residential and Residential-Commercial Districts**. The uses and features permitted in Residential and Residential-Commercial Districts are listed in the Zoning Control Tables in Sections 209.1 through 209.4*

SEC. *209.1.* ~~*206.1*~~ RH (RESIDENTIAL, HOUSE) DISTRICTS.

These ~~*d*~~*D*istricts are intended to recognize, protect, conserve, and enhance areas characterized by dwellings in the form of houses, usually with one, two, or three units with separate entrances, and limited scale in terms of building width and height. Such areas tend to have similarity of building styles and predominantly contain large units suitable for family occupancy, considerable open space, and limited nonresidential uses. The RH Districts are composed of five separate classes of districts, as follows:

RH-1(D) Districts: One-Family (Detached Dwellings). These ~~d~~Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases, private covenants have controlled the nature of development and helped to maintain the street areas.

RH-1 Districts: One-Family. These ~~d~~Districts are occupied almost entirely by single-family houses on lots 25 feet in width, without side yards. Floor sizes and building styles vary, but tend to be uniform within tracts developed in distinct time periods. Though built on separate lots, the structures have the appearance of small-scale row housing, rarely exceeding 35 feet in height. Front setbacks are common, and ground level open space is generous. In most cases, the single-family character of these ~~d~~Districts has been maintained for a considerable time.

RH-1(S) Districts: One-Family with Minor Second Unit. These ~~d~~Districts are similar in character to RH-1 Districts, except that a small second dwelling unit has been installed in many structures, usually by conversion of a ground-story space formerly part of the main unit or devoted to storage. The second unit remains subordinate to the owner's unit and may house one or two persons related to the owner or be rented to others. Despite these conversions, the structures retain the appearance of single-family dwellings.

RH-2 Districts: Two-Family. These ~~d~~Districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the

owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The ~~d~~Districts may have easy access to shopping facilities and transit lines. In some cases, ~~g~~Group ~~h~~Housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

RH-3 Districts: Three-Family. These ~~d~~Districts have many similarities to RH-2 Districts, but structures with three units are common in addition to one-family and two-family houses. The predominant form is large flats rather than apartments, with lots 25 feet wide, a fine or moderate scale, and separate entrances for each unit. Building styles tend to be varied but complementary to one another. Outdoor space is available at ground level, and also on decks and balconies for individual units. Nonresidential uses are more common in these areas than in RH-2 Districts.

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	*§ References*	*RH-1 (D)*	*RH-1*	*RH-1(S)*	*RH-2*	*RH-3*
BUILDING STANDARDS						
Massing and Setbacks						
Height and Bulk Limits.	*§§ 102, 105, 106, 250-252, 253, 260, 261, 270, 271. See also Height*	*Buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot.*			*Buildings may not be taller than 40 feet. Per § 261 the height*	*Varies, but generally 40 feet*

	and Bulk District Maps			*limit may be decreased based on the slope of the lot.*
Front Setback	*§§ 130, 131, 132*	*Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.*		
Rear Yard	*§§ 130, 134*	*25% of lot depth, but in no case less than 15 feet*		*45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.*
Side Yard	*§§130, 133*	*Required for lots 28 feet and wider. Width of side setback depends on width of lot.*	*Not Required*	
Residential Design Guidelines	*§311*	*Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.*		
Street Frontage and Public Realm				
Front Setback Landscaping and Permeability Requirements	*§ 132*	*Required. At least 50% of Front Setback shall be permeable so as to increase storm-water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.*		

Streetscape and Pedestrian Improvements (Street Trees)	*§138.1*	*Required*				
Street Frontage Requirements	*§ 144*	*§ 144 applies generally. Additional requirements apply to Limited Commercial Uses, as specified in § 186.*				
Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*As specified in § 155(r)*				
Parking Lot	*§ 156*	*P*	*P*	*P*	*P*	*P*
Miscellaneous						
Large project review	*§ 253*	*C required for projects over 40 feet in height.*				
Planned Unit Development	*§ 304*	*C*	*C*	*C*	*C*	*C*
Awning	*§ 136.1*	*P(1)*	*P(1)*	*P(1)*	*P(1)*	*P(1)*
Canopy or Marquee	*§ 136.1*	*NP*	*NP*	*NP*	*NP*	*NP*
Signs	*§ 606*	*As permitted by Section § 606*				

Zoning Category	***§ Reference s***	***RH-1 (D)***	***RH-1***	***RH-1(S)***	***RH-2***	***RH-3***
RESIDENTIAL STANDARDS AND USES						
Development Standards						

Usable Open Space [Per Dwelling Unit]	*§§ 135, 136*	*At least 300 square feet if private, and 400 square feet if common.*	*At least 300 square feet if private, and 400 square feet if common.*	*At least 300 square feet for the first unit and 100 for the minor second unit if private, and 400 square feet for the first unit and 133 square feet for the second unit if common.*	*At least 125 square feet if private, and 166 square feet if common .*	*At least 100 square feet if private, and 133 square feet if common .*
Parking Requirements	*§§ 151, 161*	*Generally, a minimum of one space for every dwelling unit required. Certain exceptions permitted per §161.*				
Residential Conversion, Demolition, or Merger	*§ 317*	*Loss of 1-2 units Mandatory DR/Loss of 3 or more units C*				
Use Characteristics						
Single Room Occupancy	*§ 102*	*P*	*P*	*P*	*P*	*P*
Student Housing	*§ 102*	*P*	*P*	*P*	*P*	*P*
Residential Uses						

Residential Density, Dwelling Units	*§ 207*	*One unit per lot.*	*P up to one unit per lot. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.*	*P up to two units per lot, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.*	*P up to two units per lot. C up to one unit per 1,500 square feet of lot area.*	*P up to three units per lot. C up to one unit per 1,000 square feet of lot area.*
Senior Housing	*§§ 102, 202.2(f)*	*P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for §202.2(f)(1)(D)(iv), related to location.*				
Residential Density, Group Housing	*§ 208*	*NP*	*NP*	*NP*	*C, up to one bedroom for every 415 square feet of lot area.*	*C, up to one bedroom for every 275 square feet of lot area.*

Homeless Shelter	*§§102, 208*	*NP*	*NP*	*NP*	*C*	*C*

Zoning Category	***§Reference s***	***RH-1 (D)***	***RH-1***	***RH-1(S)***	***RH-2***	***RH-3***
NON-RESIDENTIAL STANDARDS AND USES						
Development Standards						
Floor Area Ratio	*§§ 102 123, 124*	*1.8 to 1*	*1.8 to 1*	*1.8 to 1*	*1.8 to 1*	*1.8 to 1*
Off-Street Parking.	*§§ 150, 151, 161*	*Required. Number of spaces determined by use per § 151. Certain exceptions permitted per § 161.*				
Limited Commercial Uses	*§§ 186, 186.3*	*Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3*				
Agricultural Use Category						
Agricultural Uses*	*§§ 102, 202.2(c)*	*C*	*C*	*C*	*C*	*C*
Agriculture, Neighborhood	*§§ 102, 202.2(c)*	*P*	*P*	*P*	*P*	*P*
Automotive Use Category						
Automotive Uses*	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Parking Garage, Private	*§ 102*	*C*	*C*	*C*	*C*	*C*
Entertainment, Arts and Recreation Use Category						
Entertainment, Arts and Recreation Uses*	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Open Recreation Area	*§ 102*	*C*	*C*	*C*	*C*	*C*
Passive Outdoor Recreation	*§ 102*	*P*	*P*	*P*	*P*	*P*
Industrial Use Category						
Industrial Uses *	*§102*	*NP*	*NP*	*NP*	*NP*	*NP*

Institutional Use Category					
Institutional Uses*	§ 102	NP	NP	NP	NP	NP
Child Care Facility	§ 102	P(2)	P(2)	P(2)	P(2)	P(2)
Community Facility	§ 102	C	C	C	C	C
Hospital	§ 102	C	C	C	C	C
Post-Secondary Ed. Institution	§ 102	C	C	C	C	C
Public Facilities	§ 102	P	P	P	P	P
Religious Institution	§ 102	C	C	C	C	C
Residential Care Facility	§ 102	P(3)	P(3)	P(3)	P(3)	P(3)
School	§ 102	C	C	C	C	C
Sales and Service Category						
Retail Sales and Service Uses*	§ 102	NP	NP	NP	NP	NP
Hotel	§ 102	NP	NP	NP	C(4)	C(4)
Mobile Food Facility	§ 102	P(5)	P(5)	P(5)	P(5)	P(5)
Mortuary	§ 102	C(6)	C(6)	C(6)	C(6)	C(6)
Non-Retail Sales and Service*	**§ 102**	**NP**	**NP**	**NP**	**NP**	**NP**
Utility and Infrastructure Use Category						
Utility and Infrastructure*	§ 102	NP	NP	NP	NP	NP
Internet Service Exchange	§ 102	C	C	C	C	C
Utility Installation	§ 102	C	C	C	C	C
Wireless Telecommunication Services Facility	§ 102	C	C	C	C	C

** Not listed below.*
(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.
(2) C required for 15 or more children.
(3) C required for 7 or more persons.
(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.
(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

SEC. *209.2.* ~~*206.2.*~~ RM (RESIDENTIAL, MIXED) DISTRICTS.

These ~~*d*~~*D*istricts are intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms according to the individual district designations. Despite the range of densities and building sizes, most structures are of a scale that respects the traditional lot patterns, open spaces, and articulation of façades typical of San Francisco neighborhoods. These ~~*d*~~*D*istricts provide unit sizes and types suitable for a variety of households, and contain supporting nonresidential uses. The RM Districts are composed of four separate classes of districts, as follows:

RM-1 Districts: Low Density. These ~~*d*~~*D*istricts contain a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. A pattern of 25-foot to 35-foot building widths is retained, however, and structures rarely exceed 40 feet in height. The overall density of units remains low; buildings are moderately scaled and segmented, and units or groups of units have separate entrances. Outdoor space tends to be available at ground and upper levels regardless of the age and form of structures. Shopping facilities and transit lines may be found within a short distance of these districts. Nonresidential uses are often present to provide for the needs of residents.

RM-2 Districts: Moderate Density. These ~~d~~Districts are generally similar to RM-1 Districts, but the overall density of units is greater and the mixture of building types and unit sizes is more pronounced. Building widths and scales remain moderate, and considerable outdoor space is still available. The unit density permitted requires careful design of new structures in order to provide adequate amenities for the residents. Where nonresidential uses are present, they tend to offer services for wider areas than in RM-1 Districts.

RM-3 Districts: Medium Density. These ~~d~~Districts have some smaller structures, but are predominantly devoted to apartment buildings of 6, 8, 10, or more units. Most of these districts are close to downtown and have been developed in this manner for some time. The units vary in size, but tend to be smaller than in RM-1 and RM-2 Districts. Many buildings exceed 40 feet in height, and in some cases additional buildings over that height may be accommodated without disruption of the district character. Although lots and buildings wider than 25 or 35 feet are common, the scale often remains moderate through sensitive façade design and segmentation. Open spaces are smaller, but decks and balconies are used to advantage for many units. Supporting nonresidential uses are often found in these areas.

RM-4 Districts: High Density. These ~~d~~Districts are devoted almost exclusively to apartment buildings of high density, usually with smaller units, close to downtown. Buildings over 40 feet in height are very common, and other tall buildings may be accommodated in some instances. Despite the intensity of development, distinct building styles and moderation of façades are still to be sought in new development, as are open areas for the residents. Group housing is especially common in these districts, as well as supporting nonresidential uses.

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	*§ References*	*RM-1*	*RM-2*	*RM-3*	*RM-4*
BUILDING STANDARDS					
Massing and Setbacks					
Height and Bulk Limits	*§§ 102, 105, 106, 250—252, 260, 261, 270, 271*	*Varies, See Height and Bulk Map and referenced sections*			
Front Setback	*§§ 130, 131, 132*	*Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.*			
Rear Yard	*§§ 130, 134*	*45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.*		*25% of lot depth, but in no case less than 15 feet*	
Side Yard	*§§ 130, 133*	*Not Required*			
Residential Design Guidelines	*§311*	*Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.*			
Street Frontage and Public Realm					
Front Setback Landscaping and Permeability Requirements	*§ 132*	*At least 50% of Front Setback shall be permeable so as to increase storm-water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.*			
Streetscape and Pedestrian Improvements (Street Trees)	*§138.1*	*Required*			

Street Frontage Requirements	*§ 144*	*§ 144 applies generally. Additional requirements apply to Limited Commercial Uses, as specified in § 186.*			
Moderation of Building Frontage	*§ 144.1*	*Stepping of the front of the buildings required when lot width is greater than 35 feet.*			
Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*As specified in § 155(r)*			
Miscellaneous					
Large project review	*§ 253*	*C required for buildings over 50 feet in height*			
Planned Unit Development	*§ 304*	*C*	*C*	*C*	*C*
Awning	*§ 136.1*	*P (1)*	*P (1)*	*P (1)*	*P (1)*
Canopy or Marquee	*§ 136.1*	*NP*	*NP*	*NP*	*NP*
Signs	*§ 606*	*As permitted by Section § 606*			

Zoning Category	***§ References***	***RM-1***	***RM-2***	***RM-3***	***RM-4***
RESIDENTIAL STANDARDS AND USES					
Development Standards					
Usable Open Space [Per Dwelling Unit]	*§§ 135, 136*	*At least 100 square feet if private, and 133 square feet per dwelling unit if common*	*At least 80 square feet if private, and 106 square feet per dwelling unit if common*	*At least 60 square feet if private and 80 square feet per dwelling unit if common*	*At least 36 square feet if private, and 48 square feet per dwelling unit if common*
Parking Requirements	*§§ 151, 161*	*Generally one space for every dwelling unit minimum. Certain exceptions permitted per §161.*			

Residential Conversion, Demolition, or Merger	*§ 317*	*Loss of 1-2 units mandatory DR/Loss of 3 or more C*			
Use Characteristics					
Single Room Occupancy	*§ 102*	*P*	*P*	*P*	*P*
Student Housing	*§ 102*	*P*	*P*	*P*	*P*
Residential Uses					
Residential Density, Dwelling Units	*§ 207*	*Up to one unit per 800 square feet of lot area.*	*Up to one unit per 600 square feet of lot area.*	*Up to one unit per 400 square feet of lot area.*	*Up to one unit per 200 square feet of lot area.*
Senior Housing	*§§ 102, 202.2(f)*	*P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for § 202.2(f)(1)(D)(iv), related to location.*			
Residential Density, Group Housing	*§ 208*	*P (7), Up to one bedroom for every 275 square feet of lot area.*	*P(7), Up to one bedroom for every 210 square feet of lot area.*	*P(7), Up to one bedroom for every 140 square feet of lot area.*	*P(7), Up to one bedroom for every 70 square feet of lot area.*
Homeless Shelter	*§§102, 208*	*P*	*P*	*P*	*P*
Zoning Category	***§ References***	***RM-1***	***RM-2***	***RM-3***	***RM-4***
NON-RESIDENTIAL STANDARDS AND USES					
Development Standards					
Floor Area Ratio	*§§ 102, 123, 124*	*1.8 to 1*	*1.8 to 1*	*3.6 to 1*	*4.8 to 1*
Off-Street Parking,	*§§ 150, 151, 161*	*Required. Number of spaces determined by use per § 151. Certain exceptions permitted per § 161.*			

Limited Corner Commercial Uses	*§ 231*	*NP*	*NP*	*P*	*P*
Limited Commercial Uses	*§§ 186, 186.3*	*Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.*			
Agricultural Use Category					
Agricultural Uses*	*§§ 102, 202.2(c)*	*C*	*C*	*C*	*C*
Agriculture, Neighborhood	*§§ 102, 202.2(c)*	*P*	*P*	*P*	*P*
Automotive Use Category					
Automotive Uses*	*§ 102*	*NP*	*NP*	*NP*	*NP*
Parking Garage, Private	*§ 102*	*C*	*C*	*C*	*C*
Entertainment, Arts and Recreation Use Category					
Entertainment, Arts and Recreation Uses*	*§ 102*	*NP*	*NP*	*NP*	*NP*
Open Recreation Area	*§ 102*	*C*	*C*	*C*	*C*
Passive Outdoor Recreation	*§ 102*	*P*	*P*	*P*	*P*
Industrial Use Category					
Industrial Uses *	*§ 102*	*NP*	*NP*	*NP*	*NP*
Institutional Use Category					
Institutional Uses*	*§ 102*	*NP*	*NP*	*NP*	*NP*
Child Care Facility	*§ 102*	*P(2)*	*P(2)*	*P(2)*	*P(2)*
Community Facility	*§ 102*	*C*	*C*	*C*	*C*
Hospital	*§ 102*	*C*	*C*	*C*	*C*
Post-Secondary Ed. Institution	*§ 102*	*C*	*C*	*C*	*C*
Public Facilities	*§ 102*	*P*	*P*	*P*	*P*
Religious Institution	*§ 102*	*C*	*C*	*C*	*C*
Residential Care Facility	*§ 102*	*P(3)*	*P(3)*	*P(3)*	*P(3)*
School	*§ 102*	*C*	*C*	*C*	*C*
Sales and Service Category					

Retail Sales and Service Uses*	*§ 102*	*NP*	*NP*	*NP*	*NP*
Hotel	*§ 102*	*C(4)*	*C(4)*	*C(4)*	*C(4)*
Mobile Food Facility	*§ 102*	*P(5)*	*P(5)*	*P(5)*	*P(5)*
Mortuary	*§ 102*	*C(6)*	*C(6)*	*C(6)*	*C(6)*
Non-Retail Sales and Service*	*§ 102*	*NP*	*NP*	*NP*	*NP*
Utility and Infrastructure Use Category					
Utility and Infrastructure*	*§ 102*	*NP*	*NP*	*NP*	*NP*
Internet Service Exchange	*§ 102*	*C*	*C*	*C*	*C*
Utility Installation	*§ 102*	*C*	*C*	*C*	*C*
Wireless Telecommunication Services Facility	*§ 102*	*C*	*C*	*C*	*C*

** Not listed below.*
(1) P for Limited Commercial Uses per §136.1(a) only, otherwise NP.
(2) C required for 15 or more children.
(3) C required for 7 or more persons.
(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.
(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.
(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.
(7) C required if the Group Housing is affiliated with and operated by a Hospital or an Institutional Educational Use as defined in Section 102.

SEC. *209.3.* ~~*206.3*~~ RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

These ~~d~~Districts are intended to recognize, protect, conserve, and enhance areas characterized by structures combining ~~r~~Residential uses with neighborhood-serving ~~c~~Commercial uses. The predominant ~~r~~Residential uses are preserved, while provision is made

for supporting ~~e~~Commercial uses, usually in or below the ground story, that meet the frequent needs of nearby residents without generating excessive vehicular traffic. The compact, walkable, transit-oriented and mixed-use nature of these ~~d~~Districts is recognized by no off-street parking requirements. The RC Districts are composed of two separate districts, as follows:

RC-3 Districts: Medium Density. These ~~d~~Districts provide for a mixture of medium-density ~~d~~Dwellings similar to those in RM-3 Districts, with supporting ~~e~~Commercial uses. Open spaces are required for ~~d~~Dwellings in the same manner as in RM-3 Districts, except that rear yards need not be at ground level and front setback areas are not required.

RC-4 Districts: High Density. These ~~d~~Districts provide for a mixture of high-density ~~d~~Dwellings similar to those in RM-4 Districts with supporting ~~e~~Commercial uses. Open spaces are required for ~~d~~Dwellings in the same manner as in RM-4 Districts, except that rear yards need not be at ground level and front setback areas are not required.

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	*§ References*	*RC-3*	*RC-4*
BUILDING STANDARDS			
Massing and Setbacks			
Height and Bulk Limits	*§§ 102, 105, 106, 122, 250—252, 260, 261, 270, 271.*	*Varied. See also Height and Bulk District Maps*	
Upper Floor Setbacks	*§§ 132.2, 253.2*	*Upper floor setbacks may be required in the North of Market Residential SUD (§ 132.2) and*	

		the Van Ness SUD (§ 253.2)	
Front and Side Yard Setback	*§§ 130,132, 133*	*Not Required*	
Rear Yard	*§§ 130, 134*	*Required at first residential level and above. 25% of the lot depth, but in no case less than 15 feet.*	
Residential Design Guidelines	*§311*	*Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.*	
Street Frontage and Public Realm			
Streetscape and Pedestrian Improvements (Street Trees)	*§138.1*	*Required*	
Street Frontage Requirements	*§ 145.1*	*Required as specified in Section § 145.1*	
Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*As specified in § 155(r)*	*As specified in § 155(r). Curb cuts are NP on The Embarcadero between King and Jefferson Streets, and on Broadway between Mason and The Embarcadero.*
Miscellaneous			
Large project review-Buildings over 50 feet in height	*§ 253*	*C*	*C Additional conditions apply in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)*
Planned Unit Development	*§ 304*	*C*	*C*
Awning, Canopy and Marquee	*§ 136.1*	*P*	*P*
Signs	*§ 607.1*	*Per § 607.1*	*Per § 607.1*

Zoning Category	§ References	RC-3	RC-4
RESIDENTIAL STANDARDS AND USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 60 square feet if private, and 80 square feet per dwelling unit if common.	At least 36 square feet if private, and 48 square feet per dwelling unit if common.
Parking Requirements	§ 151.1	None Required. Up to one space for every two units permitted, and up to three spaces for every four units permitted with Conditional Use per § 151.1.	
Residential Conversion, Demolition, or Merger	§ 317	Loss of 2 units or fewer DR/Loss of 3 or more C	
Use Characteristics			
Single Room Occupancy	§ 102	P	P
Student Housing	§ 102	P	P
Residential Uses			
Residential Density, Dwelling Units	§ 207	Up to one unit per 400 square feet of lot area.	Up to one unit per 200 square feet of lot area. No density limits in the Van Ness SUD (§ 243).
Senior Housing	§§ 102, 202.2(f)	P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1), except for § 202.2(f)(1)(D)(iv), related to location.	

Residential Density, Group Housing	*§ 208*	*Up to one bedroom for every 140 square feet of lot area.*	*Up to one bedroom for every 70 square feet of lot area.*
Homeless Shelter	*§§102, 208*	*P*	*P*

Zoning Category	***§ References***	***RC-3***	***RC-4***
NON-RESIDENTIAL STANDARDS AND USES			
Development Standards			
Floor Area Ratio	*§§ 102, 123, 124*	*3.6 to 1*	*4.8 to 1. Other FAR controls apply in the Van Ness SUD; § 143(c)(1).*
Off-Street Parking	*§ 151.1*	*None Required. Up to one space for every two units permitted, and up to 3 spaces for every four units permitted with Conditional Use per § 151.1.*	
Non-Residential Use Size Limits	*§§ 102, 121.6 ~~(c)~~*	*P if less than 6,000 square feet; C if 6,000 square feet or larger. NP if greater than 120,000 gross square feet.*	
Ground Floor Ceiling Height	*§ 145.1(c)(4)*	*Minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.*	
Use Characteristics			
Drive-Up Facility	*§ 102*	*NP*	*NP*
Formula Retail	*§§ 102, 303.1*	*C*	*C*
Open Air Sales	*§ 102*	*NP*	*NP*
Outdoor Activity Area	*§ 102*	*P(1) ~~(2)~~*	*P(1) ~~(2)~~*
Walk-up Facility	*§ 102*	*P~~(1)~~*	*P~~(1)~~*
Waterborne Commerce	*§ 102*	*NP*	*NP*
Agricultural Use Category			
Agricultural Uses*	*§§ 102, 202.2(c)*	*C*	*C*
Agriculture, Neighborhood	*§§ 102, 202.2(c)*	*P*	*P*

Automotive Use Category			
Automotive Uses*	*§§ 102, 202.2(b)*	*C*	*C*
Parking Lot, Private	*§ 102*	*NP*	*NP*
Parking Lot, Public	*§ 102*	*NP*	*NP*
Service, Motor Vehicle Tow	*§ 102*	*NP*	*NP*
Service, Parcel Delivery	*§ 102*	*NP*	*NP*
Vehicle Storage Garage	*§ 102*	*NP*	*NP*
Vehicle Storage Lot	*§ 102*	*NP*	*NP*
Entertainment, Arts and Recreation Use Category			
Entertainment, Arts and Recreation Uses*	*§ 102*	*P*	*P*
Entertainment, Outdoor	*§ 102*	*NP*	*NP*
Livery Stable	*§ 102*	*NP*	*NP*
Sports Stadium	*§ 102*	*NP*	*NP*
Industrial Use Category			
Industrial Uses*	*§ 102*	*NP*	*NP*
Institutional Use Category			
Institutional Uses*	*§ 102*	*C*	*C*
Child Care Facility	*§ 102*	*P(2) ~~(3)~~*	*P(2) ~~(3)~~*
Medical Cannabis Dispensary	*§§ 102, 202.2(e)*	*P*	*P*
Philanthropic Admin. Services	*§ 102*	*NP*	*NP*
Public Facilities	*§ 102*	*P*	*P*
Residential Care Facility	*§ 102*	*P(3) ~~(4)~~*	*P(3) ~~(4)~~*
Trade School	*§ 102*	*NP*	*NP*

Sales and Service Use Category			
Retail Sales and Service Uses*	*§§ 102, 202.2(a)*	*P(4) ~~(5)~~*	*P(4) ~~(5)~~*
Adult Business	*§ 102*	*NP*	*NP*
Cat Boarding	*§ 102*	*NP*	*NP*
Hotel	*§ 102*	*C*	*C*
Kennel	*§ 102*	*NP*	*NP*
Mobile Food Facility	*§ 102*	*P*	*P*
Mortuary	*§ 102*	*C(5) ~~(6)~~*	*C(5) ~~(6)~~*
Motel	*§§ 102, 202.2(a)*	*NP*	*NP*
Storage, Self	*§ 102*	*C*	*C*
Tobacco Paraphernalia Store	*§ 102*	*C(6) ~~(7)~~*	*C(6) ~~(7)~~*
Non-Retail Sales and Service*	*§ 102*	*NP*	*NP*
Design Professional	*§ 102*	*P*	*P*
Utility and Infrastructure Use Category			
Utility and Infrastructure*	*§ 102*	*NP*	*NP*
Internet Service Exchange	*§ 102*	*C*	*C*
Utility Installation	*§ 102*	*C*	*C*
Wireless Telecommunications Services Facility	*§ 102*	*C*	*C*

** Not listed below.*
~~(1) C required if not recessed 3 feet~~
~~(2)~~ (1) *P if in front; C if elsewhere.*
~~(3)~~ (2) *C required for 15 or more children.*
~~(4)~~ (3) *C required for 7 or more persons.*
~~(5)~~ (4) *C required if located on the second floor. NP above second floor.*
~~(6)~~ (5) *Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.*
~~(7)~~ (6) *NP above the second floor.*

SEC. *209.4.* ~~206.4~~ RTO (Residential Transit Oriented) DISTRICT*S*. *These* ~~d~~*D*istrict*s are* intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO *and RTO-M* Districts are composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than one-quarter mile, of transit and neighborhood commercial areas. Transit available on nearby streets is frequent and/or provides multiple lines serving different parts of the City or region. Limited small-scale neighborhood-oriented retail and services is common and permitted throughout the neighborhood on ~~c~~*C*orner ~~parcels~~ *Lots* only to provide goods and services to residents within walking distance, but the districts are otherwise residential. Only retail compatible with housing, generally those permitted in NC-1 Districts, is permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street parking is not permitted for these very locally-oriented uses.

A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically range from two to five stories in height. While some one- and two-family structures are present, the character of the ~~d~~*D*istrict is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households. Buildings are moderately scaled and segmented, and units or groups of units have separate entrances directly from the street. The overall residential density is regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Because of the high availability of transit service and the proximity of retail and services within walking distance, many households do not own cars; it is common that not every ~~d~~*D*welling ~~u~~*U*nit has

a parking space and overall off-street residential parking is limited. Open space is provided on site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.

~~***SEC. 206.5. RTO-M (Residential Transit-Oriented-Mission Neighborhood) District.***~~

~~*This district is intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms, in the Mission District. The RTO-M district is composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than one-quarter mile, of transit and neighborhood commercial areas. Transit available on nearby Mission Street is frequent and/or provides multiple lines serving different parts of the city or region. Limited small-scale neighborhood-oriented retail and services is common and permitted throughout the neighborhood on corner parcels only to provide goods and services to residents within walking distance, but the districts are otherwise residential. Only retail compatible with housing, generally those permitted in NC-1 Districts, is permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street parking is not permitted for these very locally oriented uses.*~~

~~*A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically range from two to five stories in height. While some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households. Buildings are moderately scaled and segmented, and units or groups of units have separate entrances directly from the street. The overall residential density is regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Because of the high availability of transit service and the proximity*~~

~~*of retail and services within walking distance, many households do not own cars; it is common that not every dwelling unit has a parking space, and overall off street residential parking is limited. Open space is provided on site, in the form of rear yards, decks, balconies, roof decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.*~~

Table 209.4

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	*§ References*	*RTO*	*RTO-M*
BUILDING STANDARDS			
Massing and Setbacks			
Height and Bulk Limits	*§§ 102, 105, 106, 250—252, 260, 261, 270, 271.*	*Varies, See Height and Bulk Map and referenced sections*	
Front Building Setback	*§ 132*	*Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.*	
Rear Yard	*§§ 130, 134*	*45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.*	
Side Yard	*§ 133*	*Not Required*	
Residential Design Guidelines	*§311*	*Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.*	
Street Frontage and Public Realm			
Front Setback Landscaping and Permeability Requirements	*§ 132*	*Required. At least 50% of Front Setback shall be permeable so as to increase storm-water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.*	

Streetscape and Pedestrian Improvements (Street Trees)	*§138.1*	*Required*	
Street Frontage Requirements	*§§ 144, 186, 231*	*Controls of § 144 apply to residential frontages. Additional controls apply to Limited Commercial Uses per §§ 186 and 231.*	
Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*As specified in § 155(r) certain streets and districts are required to have "active commercial uses". In RTO Districts curb cuts are restricted on Transit Preferential, Citywide Pedestrian Network, Neighborhood Commercial Streets or official City bicycle routes or bicycle lanes.*	
Miscellaneous			
Large project review	*§ 121.5*	*New buildings or significant enlargement of existing buildings on lots of 10,000 sq. ft. or larger requires C. New public rights-of-way may be required for sites larger than 1/2 acre.*	
Restriction of Lot Mergers	*§ 121.7*	*Merger of lots creating a lot greater than 5,000 square feet requires Conditional Use authorization.*	
Planned Unit Development	*§ 304*	*C*	*C*
Awning	*§§ 136, 136.1*	*P(6)*	*P(6)*
Canopy or Marquee	*§§ 136, 136.1*	*NP*	*NP*
Signs	*§ 606*	*As permitted by Section § 606*	
Zoning Category	***§ References***	***RTO***	***RTO-M***
RESIDENTIAL STANDARDS AND USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	*§§ 135, 136*	*At least 100 square feet if private, and 133 square feet per dwelling unit if common.*	
Parking Requirements	*§§ 151, 161*	*None required. Maximum permitted per § 151.1.*	
Residential Conversion, Demolition, or Merger	*§ 317*	*C*	*C*
Dwelling Unit Division	*§ 207.8*	*P*	*P*

Required Dwelling Unit Mix	*§ 207.6*	*No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms; or no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms.*	*No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms; or no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms.*

Use Characteristics			
Single Room Occupancy	*§ 102*	*P*	*P*
Student Housing	*§ 102*	*P*	*P*
Residential Uses			
Residential Density, Dwelling Units	*§ 207*	*P up to one unit per 600 square feet of lot area. C above, per criteria of §207(a)*	*No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with Residential Design Guidelines.*
Senior Housing	*§§ 102, 202.2(f)*	*P up to twice the number of dwelling units otherwise permitted as a principal use in the district; C, density not limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, unit mix, and relevant design guidelines.*	*No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with Residential Design Guidelines.*

Residential Density, Group Housing	*§ 208*	*No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with Residential Design Guidelines.*	
Homeless Shelter	*§§102, 208*	*P*	*P*
Zoning Category	***§ References***	***RTO***	***RTO-M***
NON-RESIDENTIAL STANDARDS AND USES			
Development Standards			
Floor Area Ratio	*§§ 102.~~9, 102.11~~, 123, 124*	*1.8 to 1*	*1.8 to 1*
Off-Street Parking	*§§ 150, 151, 161*	*None required. Maximum permitted per § 151. 1.*	
Limited Corner Commercial Uses	*§ 231*	*P*	*P*
Limited Commercial Uses	*§§ 186, 209*	*Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.*	
Agricultural Use Category			
Agricultural Uses*	*§§ 102, 202.2(c)*	*C*	*C*
Agriculture, Neighborhood	*§§ 102, 202.2(c)*	*P*	*P*
Automotive Use Category			
Automotive Uses*	*§ 102*	*NP*	*NP*
Parking Garage, Private	*§ 102*	*C*	*C*
Entertainment, Arts and Recreation Use Category			
Entertainment, Arts and Recreation Uses*	*§ 102*	*NP*	*NP*
Open Recreation Area	*§ 102*	*C*	*C*
Passive Outdoor Recreation	*§ 102*	*P*	*P*
Industrial Use Category			
Industrial Uses *	*§ 102*	*NP*	*NP*
Institutional Use Category			

Institutional Uses*	*§ 102*	*NP*	*NP*
Child Care Facility	*§ 102*	*P(2)*	*P(2)*
Community Facility	*§ 102*	*C*	*C*
Hospital	*§ 102*	*C*	*C*
Post-Secondary Ed. Institution	*§ 102*	*C*	*C*
Public Facilities	*§ 102*	*P*	*P*
Religious Institution	*§ 102*	*C*	*C*
Residential Care Facility	*§ 102*	*P(3)*	*P(3)*
School	*§ 102*	*C*	*C*
Sales and Service Category			
Retail Sales and Service Uses*	*§ 102*	*NP*	*NP*
Hotel	*§ 102*	*C(4)*	*C(4)*
Mobile Food Facility	*§ 102*	*P(5)*	*P(5)*
Mortuary	*§ 102*	*C(6)*	*C(6)*
Non-Retail Sales and Service*	*§ 102*	*NP*	*NP*
Utility and Infrastructure Use Category			
Utility and Infrastructure*	*§ 102*	*NP*	*NP*
Internet Service Exchange	*§ 102*	*C*	*C*
Utility Installation	*§ 102*	*C*	*C*
Wireless Telecommunications Services Facility	*§ 102*	*C*	*C*
** Not listed below*		-	-

(1) P for Limited Commercial Uses per §136(a) and Limited Corner Commercial Uses per §231, otherwise NP.
(2) C for 15 or more children.
(3) C required for 7 or more persons.
(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms
(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.
(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

~~***SEC. 209. USES PERMITTED IN R DISTRICTS.***~~

~~*(a) The uses listed in Sections 209.1 through 209.9 are permitted in R Districts as indicated by the following symbols in the respective columns for each district:*~~

~~*P: Permitted as a principal use in this district.*~~

~~*C: Subject to approval by the City Planning Commission as a conditional use in this district as provided in Section 303 of this Code.*~~

~~*NA: This listing not applicable to this district, as the same use is listed subsequently for the District with fewer restrictions.*~~

~~*Blank Space: Not permitted in this district.*~~

~~*(b) The Section titles are intended only as an aid to use of this Code and are not binding as to interpretation of these Sections. Uses listed in this table shall not include any use specifically listed elsewhere in the table.*~~

~~*(c) Determinations as to the classification of uses not specifically listed shall be made in the manner indicated in Sections 202 and 307(a) of this Code.*~~

~~*(d) References should be made to Sections 204 through 204.5 for regulations pertaining to accessory uses permitted for principal and conditional uses listed in Sections 209.1 through 209.9.*~~

~~*(e) Reference should also be made to the other Articles of this Code containing provisions relating to definitions, off-street parking and loading dimensions, areas and open spaces, nonconforming uses, height and bulk districts, signs, historic preservation, and other factors affecting the development and alteration of properties in these use Districts.*~~

~~(f) Reference should be made to Section 249.1 for provisions pertaining to uses in the Folsom and Main Residential/Commercial Special Use District.~~

~~**SEC. 209.1. DWELLINGS.**~~

~~RH-1(D)~~	~~RH-1(S)~~	~~RH-2~~	~~RH-3~~	~~RM-1~~	~~RM-2~~	~~RM-3~~	~~RM-4~~	~~RTO~~	~~RTO-M~~	~~RC-1~~	~~RC-2~~	~~RC-3~~	~~RC-4~~	
														~~**SEC. 209.1. DWELLINGS.**~~
~~P~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~(a) One-family dwelling having side yards as required by Section 133 of this Code.~~
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Other one-family dwelling.~~
		~~P~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~(c) Two-family dwelling with the second dwelling unit limited to 600 square feet of net floor area.~~
			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(d) Other two-family dwelling.~~
				~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(e) Three-family dwelling.~~
	~~C~~	~~C~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~(f) Dwelling at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a~~

														~~conditional use by the City Planning Commission.~~
			~~C~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.~~
				~~C~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.~~
					~~P~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~P~~	~~NA~~	~~NA~~	~~(i) Dwelling at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.~~
						~~P~~	~~NA~~	~~NA~~	~~P~~	~~P~~		~~P~~	~~NA~~	~~NA~~ ~~(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.~~
							~~P~~	~~NA~~	~~C~~	~~P~~			~~P~~	~~NA~~ ~~(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.~~

								~~P~~	~~C~~	~~P~~				~~P~~	~~(l) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to ¾ of a dwelling unit.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(m) Dwelling specifically designed for and occupied by senior citizens, as defined in Section 102.6.1 and meeting all of the requirements of that Section, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district.~~
									~~C~~	~~P~~					~~(n) Dwelling at a density not limited by lot area, but by the applicable requirements and limitations elsewhere~~

															~~in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well as by the Residential Design Guidelines and other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. In lieu of the conditions of Section 303, the Planning Commission shall affirmatively find all of the following: (1) the proposed project has a physical design and articulation compatible with the character of surrounding structures, (2) that the proposed accessory parking does not exceed that amount principally permitted under Section 151.1 without Conditional Use, and (3) the project meets all the minimum Code requirements without variance for usable open space, exposure, rear yards and setbacks.~~

~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(o) Dwelling specifically designed for and occupied by senior citizens, as defined in Section 102.6.1 and meeting all of the requirements of that Section except for 102.6.1(b)(4) related to location, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district.~~

~~***SEC. 209.2. OTHER HOUSING.***~~

~~RH-1 (D)~~	~~RH-1 (S)~~	~~RH-2~~	~~RH-3~~	~~RM-1~~	~~RM-2~~	~~RM-3~~	~~RM-4~~	~~RTO~~	~~RTO-M~~	~~RC-1~~	~~RC-2~~	~~RC-3~~	~~RC-4~~	

		~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~***SEC. 209.2. OTHER HOUSING.*** (a) Group housing, boarding: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by~~

														~~this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity and sorority house but shall not include group housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by this Code. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.~~
		~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Group housing, religious orders: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such housing is for members of a~~

													~~religious order calling for collective work or worship and is not defined as, or on the same lot as, a religious institution as defined and regulated by Section 209.3(j) of this Code. Such housing shall include but not necessarily be limited to a monastery, nunnery, convent and ashram. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.~~
		~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(c) Group housing, medical and educational institutions: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such facility is affiliated with and operated by a medical or educational institution as defined and regulated by Sections~~

														~~209.3(a), (g), (h) and (i) of this Code but not located on the same lot as such institution and not used for inpatient care. Such housing shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.~~
			~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(d) Hotel, inn or hostel containing no more than five rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as defined and regulated by Section 216(c) of this Code.~~
											~~C~~	~~C~~	~~C~~	~~C~~	~~(e) Hotel, inn or hostel as specified in Subsection 209.2(d) above but with six or more guestrooms or suites.~~

~~SEC. 209.3. INSTITUTIONS.~~

~~RH-1 (D)~~	~~RH-1 (S)~~	~~RH-1~~	~~RH-2~~	~~RH-3~~	~~RM-1~~	~~RM-2~~	~~RM-3~~	~~RM-4~~	~~RTO-M~~	~~RC-1~~	~~RC-2~~	~~RC-3~~	~~RC-4~~	
														~~SEC. 209.3. INSTITUTIONS.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(a) Hospital, medical center or other medical institution which includes facilities for inpatient or outpatient medical care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of~~

														~~California. Such facility shall display nothing on or near the facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(c) Residential care facility meeting all applicable requirements of Subsection 209.3(b) above but providing lodging, board and care as specified therein to seven or more persons.~~
											~~C~~	~~C~~	~~C~~	~~C~~	~~(d) Social service or philanthropic facility providing assistance of a~~

															~~charitable or public service nature and not of a profitmaking or commercial nature. (With respect to RC Districts, see also Section 209.9(d).)~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(e) Child care facility providing less than 24 hour care for 14 or fewer children by licensed personnel and meeting the open space and other requirements of the State of California and other authorities.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(f) Child care facility providing less than 24 hour care for 15 or more children by licensed personnel and meeting the open space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(g) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and~~

														~~affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(i) Post secondary educational institution for the purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the~~

														~~institution. Such institution shall not have industrial arts as its primary course of study.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(j) Church or other religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)~~
										~~P~~	~~P~~	~~P~~	~~P~~	~~(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code. (a) Requirements. MCDs must meet the following requirements: 1. the parcel containing the MCD cannot located within 1,000 feet from a~~

~~parcel containing:~~

~~a. a public or private elementary or secondary school and~~

~~b. a community facility and/or recreation center that primarily serves persons under 18 years of age; and~~

~~2. the MCD is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health;~~

~~3. no alcohol is sold or distributed on the premises for on or off site consumption;~~

~~4. if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from the premises;~~

~~5. in addition to these requirements, an MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.~~

~~(b) Application and Referral Process. The Department of Public Health is the lead agency for regulating MCDs. Final City permits are issued by the Department of Public Health. No dispensary may open without final authorization from the Department of Public Health. The Planning Department will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral from the Department of Public Health pursuant to DPH Code Section 3304 and 3305; (2) supplemental application materials designated by the Planning Department; and (3) a building permit application.~~

~~(c) Notice. Once the Department has~~

~~determined that the application is complete, a 30-day notice of application shall be mailed to owners and occupants within a 300-foot radius of the subject property. Notice shall be posted on the project site for no less than 30 days.~~

~~(d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or approve the dispensary.~~

~~(e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical cannabis~~

~~dispensary has no exterior wall sign, shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches in height.~~

~~(f) If an MCD closes for a duration longer than 18 months or if the MCD's license is revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered abandoned and any Planning Commission authorization for the parcel shall be null and void.~~

~~(g) Any permit issued for a medical cannabis dispensary shall contain the following statement in bold face type: "Issuance of this permit by the City and County of San Francisco is not~~

														~~intended to and does not authorize the violation of State or Federal law."~~

~~***SEC. 209.4. COMMUNITY FACILITIES.***~~

~~RH 1 (D)~~	~~RH 1~~	~~RH 1 (S)~~	~~RH 2~~	~~RH 3~~	~~RM 1~~	~~RM 2~~	~~RM 3~~	~~RM 4~~	~~RTO~~	~~RTO M~~	~~RC 1~~	~~RC 2~~	~~RC 3~~	~~RC 4~~	
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~***SEC. 209.4. COMMUNITY FACILITIES.***~~ ~~(a) Community clubhouse, neighborhood center, community cultural center or other community facility not publicly owned but open for public use, in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction or education other than that regulated by Section 209.3 of this Code. (With respect to RC~~

													~~Districts, see also Section 209.9(d).)~~
									~~C~~	~~C~~	~~C~~	~~C~~	~~(b) Private lodge, private clubhouse, private recreational facility or community facility other than as specified in Subsection 209.4(a) above, and which is not operated as a gainful business. (With respect to RC Districts, see also Section 209.9(d).)~~

~~SEC. 209.5. OPEN RECREATION AND URBAN AGRICULTURE.~~

~~RH-1 (D)~~	~~RH-1~~	~~RH-1 (S)~~	~~RH-2~~	~~RH-3~~	~~RM-1~~	~~RM-2~~	~~RM-3~~	~~RM-4~~	~~RTO~~	~~RTO-M~~	~~RC-1~~	~~RC-2~~	~~RC-3~~	~~RC-4~~	
															~~SEC. 209.5. OPEN RECREATION AND URBAN AGRICULTURE.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(a) Open recreation area not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business and is devoted to outdoor recreation such as golf, tennis~~

														~~or riding.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Open space used for passive recreational purposes which is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include but not necessarily be limited to a park, playground, rest area.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(c) Greenhouse.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(d) Neighborhood Agriculture.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(e) Large Scale Urban Agriculture.~~

~~***SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.***~~

~~RH-1 (D)~~	~~RH-1~~	~~RH-1 (S)~~	~~RH-2~~	~~RH-3~~	~~RM-1~~	~~RM-2~~	~~RM-3~~	~~RM-4~~	~~RTO~~	~~RTO-M~~	~~RC-1~~	~~RC-2~~	~~RC-3~~	~~RC-4~~

															~~*SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.*~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~*(a) Public structure or use of a nonindustrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.*~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~*(b) Utility installation, including but not necessarily limited to water, gas, electric, transportation or communications utilities, or public service facility, except as stated in Section 209.6(c), provided that operating requirements necessitate placement at this location.*~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~*(c) Utility Installation that is an Internet Services Exchange defined as a location that contains any of the following uses (excluding any commercial wireless transmitting, receiving or relay facility described in*~~

														~~Sections 227(h) and 227(i)); switching equipment (whether wireline or wireless) that joins or connects occupants, customers or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals and provide other data processing services; or a group of network servers.~~

~~***SEC. 209.7. VEHICLE STORAGE AND ACCESS.***~~

~~RH-1 (D)~~	~~RH-1~~	~~RH-1 (S)~~	~~RH-2~~	~~RH-3~~	~~RM-1~~	~~RM-2~~	~~RM-3~~	~~RM-4~~	~~RTO~~	~~RTOM~~	~~RC-1~~	~~RC-2~~	~~RC-3~~	~~RC-4~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~NP~~	~~NP~~	~~C~~	~~C~~	~~C~~	~~C~~

~~***SEC. 209.7. VEHICLE STORAGE AND ACCESS.***~~

~~*(a) Community garage, confined to the storage of private passenger automobiles of residents of the*~~

														~~immediate vicinity, and meeting the requirements of Article 1.5 of this Code.~~
~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~C~~	~~C~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~(b) Shared community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the siting and design requirements of Section 155(r) and 144., and the car share requirements of Section 166.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(c) Access driveway to property in C or M District, or to property in an R District in which the permitted dwelling unit density is greater than that permitted in the district where the driveway is located, provided that a solid fence, solid wall, or compact evergreen hedge, not less than six feet in height, is maintained along such driveway to screen it from any adjoining lot in any R District. Such driveway shall meet the applicable~~

															~~requirements of Article 1.5 of this Code.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(d) Off-street parking facility to serve a use permitted in any R District, when such parking is not classified as accessory parking for such use, under the provisions of Section 204.5 of this Code, in terms of its location and amount. Such parking shall meet, where applicable, the requirements of Section 156 for parking lots, Section 159 for parking not on the same lot as the building or use served, and the other provisions of Article 1.5 of this Code. In considering any application for a conditional use for such parking where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5, the Planning Commission shall consider the criteria set forth in Section 157 of this Code. In RTO Districts, such~~

													~~parking shall also be subject to criteria and requirements of Sections 158.1, 144, and 155(r).~~
								~~P~~	~~P~~				~~(e) Off-street car-share parking spaces for car sharing vehicles, whether required or not, meeting the standards of Section 166.~~

~~**SEC. 209.8. COMMERCIAL ESTABLISHMENTS IN R DISTRICTS.**~~

~~RH-1 (D)~~	~~RH-1 (S)~~	~~RH-2~~	~~RH-3~~	~~RM-1~~	~~RM-2~~	~~RM-3~~	~~RM-4~~	~~RTO~~	~~RTO-M~~	~~RC-3~~	~~RC-4~~	

													~~**SEC.209.8. COMMERCIAL ESTABLISHMENTS.**~~
											~~P~~	~~P~~	~~(a) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment is permitted as a principal use on the ground floor or below of a building if permitted as a principal use on the ground floor in an NC-3 District,~~

												~~unless otherwise specified in this Code.~~
										~~C~~	~~C~~	~~(b) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment is permitted as a conditional use on the ground floor or below of a building if permitted as a conditional use on the ground floor in an NC-3 District, unless otherwise specified in this Code.~~
										~~C~~	~~C~~	~~(c) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment is permitted as a conditional use above the ground floor of a building if permitted as a principal or conditional use on the ground floor in an NC-3 District, unless otherwise specified in this Code.~~
										~~C~~	~~C~~	~~(d) Formula Retail Use, as defined in Section 703.3(b) of this Code.~~

							~~P~~	~~P~~	~~P~~	~~P~~			~~(e) Any use meeting the standards and limitations set forth in Section 231, Limited Corner Commercial Uses in RTO Districts.~~
											~~C~~	~~C~~	~~(f) Non-residential use exceeding 6,000 gross square feet.~~
											~~P~~	~~P~~	~~(g) Liquor Store on the ground floor, as defined in Section 790.55 of this Code, unless otherwise specified in this Code.~~
													~~(h) Drive-up Facility, as defined in Section 790.30 of this Code.~~
											~~P~~	~~P~~	~~(i) Walk-up Facility, as defined in Section 790.140 of this Code, is permitted as a principle use on the ground floor if recessed 3 feet; requires a conditional use if not recessed.~~
											~~P~~	~~P~~	~~(j) Outdoor Activity Area, as defined in Section 790.70 of this Code, if in front; requires a conditional use if elsewhere.~~

~~***SEC. 209.9. OTHER USES.***~~

~~RH~~	~~RH~~	~~RH~~	~~RH~~	~~RH~~	~~R~~	~~RM~~	~~RM~~	~~RM~~	~~RTO~~	~~RTO~~	~~RC~~	~~R~~

~~1 (D)~~	~~1~~	~~1 (S)~~	~~2~~	~~3~~	~~M 1~~	~~2~~	~~3~~	~~4~~		~~M~~	~~3~~	~~C 4~~	
													~~**SEC. 209.9. OTHER USES.**~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(a) Sale or lease sign, as defined and regulated by Article 6 of this Code.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.~~
~~SEE SECTIONS 205 THROUGH 205.2~~													~~(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.~~
											~~P~~	~~P~~	~~(d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~			~~(e) Any use listed as a principal or~~

													~~conditional use permitted on the ground floor in an NC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that no Conditional Use shall be authorized under this provision unless (1) such authorization conforms to the applicable provisions of Section 303 of this Code and (2) the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.~~
											~~P~~	~~P~~	~~(g) Arts activities except those uses subject to Sections 209.3(d) or (h).~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(h) Mortuary and columbarium uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall~~

													~~be defined as a use which provides for the storage of cremated remains in niches.~~

~~***SEC. 209.10.*** *RESERVED.*~~

~~***SEC. 210.1. C-1 DISTRICTS: NEIGHBORHOOD SHOPPING.***~~

~~*These districts are intended for the supplying of retail goods and personal services at convenient locations to meet the frequent and recurring needs of nearby residents. These districts are usually surrounded by residential areas of relatively low density of development, often in outlying areas of the City, and the size and use of commercial buildings in these districts are intended to be consistent with those residential densities. Close concentrations of complementary commercial uses are encouraged, with minimum interruption by open uses and nonretail enterprises.*~~

~~*210.2.*~~ ***210.1.*** **C-2 DISTRICTS: COMMUNITY BUSINESS.**

These districts serve several functions. ~~*On a larger scale than the C-1 Districts, t*~~They provide convenience goods and services to ~~*r*~~Residential areas of the City, both in outlying sections and in closer-in, more densely built communities. In addition, some C-2 Districts provide comparison shopping goods and services on a general or specialized basis to a Citywide or a regional market area, complementing the main area for such types of trade in downtown San Francisco. The extent of these districts varies from smaller clusters of stores to larger concentrated areas, including both shopping centers and strip developments along major thoroughfares, and in each case the character and intensity of commercial development are intended to be consistent with the character of other uses in the adjacent areas. In C-2

Districts, the emphasis is upon compatible retail uses, but a wider variety of goods and services is included to suit the longer-term needs of customers and greater latitude is given for the provision of automobile-oriented uses.

Table 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	***§ References***	***C-2***
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits	*§§ 102, 105, 106, 132.1, 250—252, 260, 270, 271, 295.*	*Generally 40-X. Additional Height Limits of § 261 apply. See Height and Bulk District Maps*
Floor Area Ratio	*§§ 102,~~9, 102.11~~, 123, 124*	*Basic FAR limit is 3.6 to 1. For a lot that is nearer to an RM-4 or RC-4 District than to any other R District, the FAR is 4.8 to 1 For a lot that is nearer to a C-3 District than to any R District the FAR is 10.0 to 1. FAR in the Waterfront and Washington-Broadway Special Use Districts is 5 to 1.*
Front, Rear, and Side Setbacks	*§§ 132, 130,133, 134*	*See Residential Standards*
Street Frontage and Public Realm		
Streetscape and Pedestrian Improvements (Street Trees)	*§138.1*	*Required*
Street Frontage Requirements	*§ 145.1*	*Required as specified in Section § 145.1*
Required Ground Floor Commercial	*§ 145.4*	*As specified in § 145.4, certain streets and districts are required to have "active commercial uses"*
Parking and Loading access restrictions	*§ 155(r)*	*As specified in § 155(r), certain streets and districts have additional restrictions on vehicular access in addition to general standards.*

Artworks and Recognition of Artists and Architects	*§ 429*	*Required, except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall).*
Miscellaneous		
Uses in Enclosed Buildings	*n/a*	*All permitted uses, and all storage, servicing, fabricating, processing or repair uses accessory thereto, shall be conducted within enclosed buildings, with the exception of accessory off-street parking and loading areas where permitted; accessory outdoor dining areas where permitted; accessory recreation areas where permitted; and as indicated in the use chart below*
Large Project Review	*n/a*	*n/a*
Planned Unit Development	*§ 304*	*C*
Awning Canopy or Marquee	*§ 136.1*	*P*
Signs	*§ 607*	*As permitted by Section § 607*
Zoning Category	***§ References***	***C-2***
RESIDENTIAL STANDARDS AND USES		
Development Standards		
Usable Open Space for dwelling units and group housing	*§ 135*	*Same as for the R District establishing the dwelling unit density ratio for the property. Group housing requirement is 1/3 the amount required for a dwelling unit*
Residential Parking Requirements	*§§ 151, 161*	*Generally one space per dwelling unit. Exceptions permitted in the Waterfront Special Use Districts per § 161. None required in the Washington-Broadway Special Use District.*
Rear Yard Setback	*§§ 130, 134*	*25% of the total depth lot depth, but in no case less than 15 feet. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.*
Residential Conversion, Demolition, or Merger	*§ 317*	*Loss of 2 units or fewer DR/Loss of 3 or more C*
Use Characteristics		
Single Room Occupancy	*§ 102*	*P*

Student Housing	*§ 102*	*P*
Residential Uses		
Residential Density, Dwelling Units	*§ 207*	*P at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 square feet of lot area. NP above.*
Senior Housing	*§§102, 202.2(f)*	*P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for § 202.2(f)(1)(D)(iv), related to location.*
Residential Density, Group Housing	*§ 208*	*P at a density ratio not exceeding the maximum density permitted for group housing in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one bedroom for each 275 square feet of lot area. NP above.*
Homeless Shelter	*§§102, 208*	*P*
Zoning Category	***§ References***	***C-2***
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
Off-Street Parking	*§§ 150, 151, 161*	*As required by § 151. Certain exceptions permitted by § 161. None required in the Washington-Broadway Special Use District.*
Use Size Limits	*§ 121.6*	*C required for single Retail Use greater than 50,000 gross square feet. NP above 120,000 gross square feet*

Ground Floor Ceiling Height	*§ 145.1(c)(4)*	*Minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.*
Commercial Use Characteristics		
Drive-up Facility	*§ 102*	*P*
Formula Retail	*§102*	*P*
Open Air Sales	*§ 102*	*NP*
Outdoor Activity Area	*§ 102*	*P*
Walk-up Facility	*§ 102*	*P*~~(1)~~
Waterborne Commerce	*§ 102*	*P*
Agricultural Use Category		
Agricultural Uses*	*§§ 102, 202.2(c)*	*P*(2) ~~(3)~~
Automotive Use Category		
Automotive Repair	*§ 102*	*NP*
Automotive Sale/Rental	*§ 102*	*P*(3) ~~(4)~~
Automotive Service Station	*§§ 102, 202.2(b)*	*P*(2) ~~(3)~~
Automotive Wash	*§§ 102, 202.2(b)*	*C*(2) ~~(3)~~
Gas Station	*§§ 102, 202.2(b), 187.1, 228*	*P*
Parking Garage, Private	*§ 102*	*P*
Parking Garage, Public	*§ 102*	*C*
Parking Lot, Private	*§§ 102, 142, 156*	*P*(2) ~~(3)~~
Parking Lot, Public	*§§ 102, 142, 156*	*P*(2) ~~(3)~~
Service, Motor Vehicle Tow	*§ 102*	*NP*
Service, Parcel Delivery	*§ 102*	*C*
Services, Ambulance	*§ 102*	*C*
Vehicle Storage Garage	*§ 102*	*NP*
Vehicle Storage Lot	*§§ 102, 142*	*NP*
Entertainment, Arts and Recreation Use Category		
Entertainment and Recreation Uses*	*§ 102*	*P*
Entertainment, Outdoor	*§ 102*	*NP*
Livery Stable	*§ 102*	*NP*
Open Recreation Area	*§ 102*	*P*(2) ~~(3)~~
Sports Stadium	*§ 102*	*NP*

Industrial Use Category		
Industrial Uses*	*§102*	*NP*
Institutional Use Category		
Institutional Uses*	*§§ 102, 202.2(e)*	*P*
Hospital	*§ 102*	*C*
Trade School	*§ 102*	*NP*
Sales and Service Use Category		
Retail Sales and Service Uses*	*§§ 102, 202.2(a)*	*P*
Animal Hospital	*§ 102*	*C*
Hotel	*§ 102*	*C*
Kennel	*§ 102*	*NP*
Massage Establishment	*§ 102*	*C*
Mobile Food Facility	*§ 102*	*P*(2) ~~(3)~~
Mortuary	*§ 102*	*C*
Motel	*§§ 102, 202.2(a)*	*C*
Storage, Self	*§ 102*	*C*
Tobacco Paraphernalia Store	*§ 102*	*C*
Non-Retail Sales and Service*	*§ 102*	*P*
Laboratory	*§ 102*	*NP*
Life Science	*§ 102*	*NP*
Storage, Commercial	*§ 102*	*NP*
Storage, Wholesale	*§ 102*	*NP*
Wholesale Sales	*§ 102*	*NP*
Utility and Infrastructure Use Category		
Community Recycling Center	*§ 102*	*C*
Internet Service Exchange	*§ 102*	*C*
Power Plant	*§ 102*	*NP*
Public Transportation Facility	*§ 102*	*C*(2) ~~(3)~~
Public Utilities Yard	*§ 102*	*NP*
Utility Installation	*§ 102*	*P*(2) ~~(3)~~
Wireless Telecommunications	*§ 102*	*P*(1) ~~(2)~~

Service Facility		

** Not listed below*

~~(1) C required if not recessed 3 feet~~

(1) ~~(2)~~ *C required if taller than 25 feet above roof, grade or height limit (depending on site) or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. See definition in 102 for more information.*

(2) ~~(3)~~*Not required to be in an enclosed building.*

(3) ~~(4)~~ *Allowed to operate on an open lot, but C required if operated on open lot.*

SEC. *210.2.* ~~*210.3*~~ C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

Downtown San Francisco, a center for City, regional, national, and international commerce, is composed of four separate districts, as follows:

C-3-O District: Downtown Office. This district, playing a leading national role in finance, corporate headquarters, and service industries, and serving as an employment center for the region, consists primarily of high-quality office development. The intensity of building development is the greatest in the City, resulting in a notable skyline symbolizing the area's strength and vitality. The district is served by City and regional transit reaching its central portions and by automobile parking at peripheral locations. Intensity and compactness permit face-to-face business contacts to be made conveniently by travel on foot. Office development is supported by some related retail and service uses within the area, with inappropriate uses excluded in order to conserve the supply of land in the core and its expansion areas for further development of major office buildings.

C-3-O(SD) District: Downtown Office Special Development. This area south of Market Street and east of Third Street comprises the southern side of the core central business district, and is similar to and generally indistinguishable from the C-3-O District in terms of uses and character. The area is centered on the Transbay Transit Center. This

district permits densities that exceed those in the C-3-O district and contains the tallest height limits in the City, reflecting its unparalleled public transportation access and geographically central position in the downtown.

C-3-R District: Downtown Retail. This ~~d~~District is a regional center for comparison shopper retailing and direct consumer services. It covers a compact area with a distinctive urban character, consists of uses with cumulative customer attraction and compatibility, and is easily traversed by foot. Like the adjacent Downtown Office District, this district is well-served by City and regional transit, with automobile parking best located at its periphery. Within the ~~d~~District, continuity of retail and consumer service uses is emphasized, with encouragement of pedestrian interest and amenities and minimization of conflicts between shoppers and motor vehicles. A further merging of this ~~d~~District with adjacent, related districts is anticipated, partially through development of buildings that combine retailing with other functions.

C-3-G District: Downtown General Commercial. This ~~d~~District covers the western portions of downtown and is composed of a variety of uses: Retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower here than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual commercial buildings. In the vicinity of Market Street, the configuration of this ~~d~~District reflects easy accessibility by rapid transit.

C-3-S District: Downtown Support. This ~~d~~District encompasses Yerba Buena Gardens, which includes San Francisco's Convention Center, hotels, museums and cultural facilities, housing, retail, and offices arranged around public gardens and plazas. The ~~d~~District

continues to accommodate important supporting functions such as wholesaling, printing, building services, and secondary office space. It also contains unique housing resources. The dDistrict is within walking distance of rapid transit on Market Street, and is served by transit lines on Third, Fourth, Mission and Folsom streets.

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	***§ References***	***C-3-O***	***C-3-O(SD)***	***C-3-R***	***C-3-G***	***C-3-S***
BUILDING STANDARDS						
Massing and Setbacks						
Height and Bulk Limits.	*§§ 102, 105, 106, 250-252, 260, 261, 270, 271.*	*Varies. See also Height and Bulk District Maps*				
Setbacks and Streetwall Articulation	*§ 132.1*	*Various upper floor setback requirements based on building location, height and street width. Building setbacks may be required facing streets of 80' or less in width and on Market Street.*				
Basic Floor Area Ratio	*§§ 102, 123, 124*	*9.0 to 1*	*6.0 to 1*	*6.0 to 1*	*6.0 to 1*	*5.0 to 1*
Front, Rear, and Side Setbacks	*§§130, 132, 133, 134*	*See Residential Standards below*				
Sun Access Planes	*§ 146*	*Buildings located on certain streets are required to provide sun access planes per §146*				
Street Frontage and Public Realm						
Privately Owned Public Open Space	*§ 138*	*Required with the constructing of a new building or an addition of gross floor area equal to 20% or more of an existing building. Ratio of POPOS is 1:50 feet for all districts except C-3-R which is 1:100*				

Downtown Streetscape Plan	*§ 138.1*	*Required. Sidewalk paving, as set for in the Downtown Streetscape Plan is required with any new construction; or the addition of floor area equal to 20% or more of an existing building.*				
Street Frontage Requirements	*§ 145.1*	*Required as specified in Section § 145.1*				
Street Frontage, Required Ground Floor Commercial	*§ 145.4*	*As specified in § 145.4, certain streets and districts are required to have "active commercial uses"*				
Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*As specified in § 155(r) certain streets and districts have additional restrictions on vehicular access in addition to general standards. In C-3 Districts curb cuts are restricted on Transit Preferential, Citywide Pedestrian Network, Neighborhood Commercial Streets or official City bicycle routes or bicycle lanes.*				
Artworks and Recognition of Artists and Architects	*§ 429*	*Art works and recognition of artists and architects are required for new buildings and for additions of floor area in excess of 25,000 square feet to an existing building, per § 429.*				
Miscellaneous						
Large project review	*§ 309*	*As required by § 309*				
Planned Unit Development	*§ 304*	*NP*	*NP*	*NP*	*NP*	*NP*
Awnings, Canopy or Marquee	*§ 136*	*P*	*P*	*P*	*P*	*P*
Signs	*§ 607*	*As permitted by Section § 607*				

Zoning Category	***§ References***	***C-3-O***	***C-3-O-S***	***C-3-R***	***C-3-G***	***C-3-S***
RESIDENTIAL STANDARDS AND USES						
Development Standards						
Usable Open Space [Per Dwelling Unit]	*§§ 135, 136*	*At least 36 square feet if private, and 48 square feet per dwelling unit if common.*				
Residential Parking Requirements	*§§ 151, 161*	*None required. P up to one space for every four units. C for .75 per unit, subject to the criteria of Section 151.1(f). NP above.*				

Rear Yard Setback	*§§ 130, 134*	*25% of the total depth lot depth, but in no case less than 15 feet for lowest story containing a dwelling unit and each succeeding story. Exceptions are permitted by §309.*				
Residential Conversion, Demolition, or Merger	*§ 317*	*Loss of 1-2 units mandatory DR/Loss of 3 or more units C*				
Use Characteristics						
Single Room Occupancy	*§ 102*	*P*	*P*	*P*	*P*	*P*
Student Housing	*§ 102*	*P*	*P*	*P*	*P*	*P*
Residential Uses						
Residential Density, Dwelling Units	*§ 207*	*No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.*				
Senior Housing	*§§ 102, 202.2(f)*	*No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot. C Required if development meets all requirements of Section § 202.2(f)(1), except for § 202.2(f)(1)(D)(iv), related to location.*				
Residential Density, Group Housing	*§ 208*	*No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.*				
Homeless Shelter	*§§102, 208*	*P*	*P*	*P*	*P*	*P*

Zoning Category	***§ References***	***C-3-O***	***C-3-O-S***	***C-3-R***	***C-3-G***	***C-3-S***
NON-RESIDENTIAL STANDARDS AND USES						
Development Standards						
Off-Street Parking,	*§§ 150, 151,*	*None Required. Maximums set in Planning Code Section 151.1*				

Use Size Limits	*§ 121.6*	*C required for single retail use over 90,000 gross square feet. Single Retail Uses in excess of 120,000 gross square feet that sell groceries; contain more than 20,000 Stockkeeping Units (SKUs); and devote more than 5% of its total sales floor area to the sale of non-taxable merchandise are NP*				
Ground Floor Ceiling Heights	*§ 145.1(c)(4)*	*Required minimum floor-to-floor height of 14 feet, as measured from grade*				
Commercial Use Characteristics						
Drive-up Facility	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Formula Retail	*§§102, 303.1*	*P*	*P*	*P*	*P*(6) ~~(7)~~	*P*
Open Air Sales	*§ 102*	*P*	*P*	*P*	*P*	*P*
Outdoor Activity Area	*§ 102*	*P*	*P*	*P*	*P*	*P*
Walk-up Facility	*§ 102*	*P*~~(1)~~	*P*~~(1)~~	*P*~~(1)~~	*P*~~(1)~~	*P*~~(1)~~
Waterborne Commerce	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Agricultural Use Category						
Agricultural Uses*	*§§ 102, 202.2(c)*	*P*	*P*	*P*	*P*	*P*
Greenhouse	*§§ 102, 202.2(c)*	*NP*	*NP*	*NP*	*NP*	*P*
Automotive Use Category						
Automotive Repair	*§ 102*	*NP*	*NP*	*NP*	*NP*	*P*
Automotive Sale/Rental	*§ 102*	*P*(4) ~~(5)~~	*P*(4) ~~(5)~~	*P*(4) ~~(5)~~	*P*(3) ~~(4)~~	*P*(3) ~~(4)~~
Automotive Service Station	*§§ 102, 202.2(b)*	*NP*	*NP*	*NP*	*P*	*P*
Automotive Wash	*§§ 102, 202.2(b)*	*NP*	*NP*	*NP*	*C*	*C*
Gas Station	*§§ 102, 202.2(b), 187.1, 228*	*NP*	*NP*	*NP*	*P*	*P*
Parking Garage, Private	*§ 102*	*C*	*C*	*C*	*C*	*C*
Parking Garage, Public	*§ 102*	*C*	*C*	*C*	*C*	*C*

Parking Lot, Private	*§§ 102, 142, 156*	*NP*	*NP*	*NP*	*NP*	*C*
Parking Lot, Public	*§§ 102, 142, 156*	*NP*	*NP*	*NP*	*NP*	*C*
Service, Motor Vehicle Tow	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Service, Parcel Delivery	*§ 102*	*C*	*C*	*C*	*C*	*P*
Services, Ambulance	*§ 102*	*NP*	*NP*	*NP*	*C*	*P*
Vehicle Storage Garage	*§ 102*	*NP*	*NP*	*NP*	*C*	*P*
Vehicle Storage Lot	*§§ 102, 142*	*NP*	*NP*	*NP*	*NP*	*C*
Entertainment, Arts and Recreation Use Category						
Entertainment Arts and Recreation Uses*	*§ 102*	*P*	*P*	*P*	*P*	*P*
Entertainment, Outdoor	*§ 102*	*NP*	*NP*	*NP*	*NP*	*C*
Livery Stable	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Open Recreation Area	*§ 102*	*NP*	*NP*	*NP*	*P*	*P*
Sports Stadium	*§ 102*	*NP*	*NP*	*NP*	*NP*	*C*
Industrial Use Category						
Industrial Uses*	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Manufacturing, Light	*§ 102*	*P*	*P*	*P*	*P*	*P*
Institutional Use Category						
Institutional Uses*	*§§ 102, 202.2(e)*	*P*	*P*	*P*	*P*	*P*
Child Care Facility	*§ 102*	*P*	*P*	*P*	*P*	*C*
Hospital	*§ 102*	*C*	*C*	*C*	*C*	*C*
Residential Care Facility	*§ 102*	*P*	*P*	*P*	*P*	*C*
Trade School	*§ 102*	*NP*	*NP*	*NP*	*P*	*P*
Sales and Service Use Category						
Retail Sales and Service Uses*	***§§ 102, 202.2(a)***	***P***	***P***	***P***	***P***	***P***

Animal Hospital	*§ 102*	*NP*	*NP*	*NP*	*C*	*C*
Hotel	*§ 102*	*C*	*C*	*C*	*C*	*C*
Kennel	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Massage Establishment	*§ 102*	*C*	*C*	*C*	*C*	*C*
Mortuary	*§ 102*	*NP*	*NP*	*NP*	*C*	*C*
Motel	*§§ 102, 202.2(a)*	*NP*	*NP*	*NP*	*C*	*C*
Storage, Self	*§ 102*	*NP*	*NP*	*C*	*C*	*P*
Tobacco Paraphernalia Store	*§ 102*	*C*	*C*	*C*	*C*	*C*
Non-Retail Sales and Service*	***§ 102***	***P*(1) ~~(2)~~**	***P*(1) ~~(2)~~**	***P*(2) ~~(3)~~**	***P*(1) ~~(2)~~**	***P*(1) ~~(2)~~**
Catering	*§ 102*	*P*	*P*	*P*	*P*	*P*
Design Professional	*§ 102*	*P*	*P*	*P*(2) ~~(3)~~	*P*	*P*
Laboratory	*§ 102*	*P*	*P*	*P*	*P*	*P*
Life Science	*§ 102*	*P*	*P*	*P*	*P*	*P*
Storage, Commercial	*§ 102*	*NP*	*NP*	*NP*	*NP*	*NP*
Storage, Wholesale	*§ 102*	*NP*	*NP*	*NP*	*NP*	*P*
Wholesale Sales	*§ 102*	*P*	*P*	*P*	*P*	*P*
Utility and Infrastructure Use Category						
Utility and Infrastructure*	***§ 102***	***NP***	***NP***	***NP***	***NP***	***NP***
Internet Service Exchange	*§ 102*	*C*	*C*	*C*	*C*	*C*
Public Transportation Facility	*§ 102*	*C*	*C*	*C*	*C*	*C*
Utility Instillation	*§ 102*	*C*	*C*	*C*	*P*	*P*
Wireless Telecommunications Services Facility	*§ 102*	*P*(5) ~~(6)~~	*P*(5) ~~(6)~~	*P*(5) ~~(6)~~	*P*(5) ~~(6)~~	*P*(5) ~~(6)~~

** Not listed below*

~~(1) C required if not recessed 3 feet~~

(1) ~~(2)~~*C is required if at or below the ground floor*

(2) ~~(3)~~P if located on the ground floor and offers on-site services to the general public. NP on the ground floor if it does not provide onsite services to the general public. C is required if the use is larger than 5,000 gross square feet in size or located above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the District's primary function as an area for comparison shopper retailing and direct consumer services.
(3) ~~(4)~~ C Required if operated on an open lot
(4) ~~(5)~~ Required to be in an enclosed building, NP if operated on open lot
(5) ~~(6)~~ C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of 3 meters or a composite diameter of antennae in excess of 6 meters. See definition in Section *102 for more information.*
(6) ~~(7)~~ C required for Formula Retail on properties in the C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street.

SEC. ~~*210.7*~~ *210.3.* PDR DISTRICTS~~*: PURPOSE*~~

These ~~*d*~~*D*istricts provide space for a wide variety of PDR (production, distribution, and repair) and other non-residential activities in districts where these uses are free from inherent economic and operational competition and conflicts with housing, large office developments, and large-scale retail, which are not permitted in these districts. Other uses that share operational characteristics with PDR uses are permitted in these districts, as they require large flexible spaces and prefer separation from intensive housing districts. PDR-zoned land is also an important reservoir of space in San Francisco for new and evolving industry and activity types that cannot be foreseen today and cannot practically function or compete for space in a typical downtown office or neighborhood commercial environment. Business and activities allowed in PDR Districts generally share a need for flexible operating space that features large open interior spaces, high ceilings, freight loading docks and elevators, floors capable of bearing heavy loads, and large (often uncovered exterior) storage areas. These uses are often not ideally compatible with housing for operational reasons, including the need

for significant trucking and delivery activities, 24-hour operation, and emission of noise, odors, and vibrations. Importantly, PDR uses are limited in the amount of rent they can afford relative to office, retail, and residential uses, yet are important sectors of the City's economy.

~~*SEC. 210.8.*~~ **PDR-1-B District.: Light Industrial Buffer.** The intent of this ~~*d*~~*D*istrict is to create a buffer area between residential neighborhoods and light industrial areas, primarily in the Bayview Hunters Point neighborhood. Thus, this ~~*d*~~*D*istrict prohibits residential uses and limits ~~*o*~~*O*ffice, ~~*r*~~*R*etail, and ~~*i*~~*I*nstitutional uses. Generally, all other uses are permitted. This zone allows for less intensive production, distribution, and repair activities that will not compromise the quality of life of nearby residents. These uses generate less external noise, odors, and vibrations and engage in fewer trucking activities than those permitted in PDR-2 districts. Uses in this ~~*d*~~*D*istrict are generally conducted completely within enclosed structures. Small-scale ~~*r*~~*R*etail and ~~*o*~~*O*ffice uses are permitted, as are other activities that may serve well to buffer existing residential neighborhoods from areas of concentrated industrial operations. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

~~*SEC. 210.9.*~~ **PDR-1-D: Design.** The intention of this ~~*d*~~*D*istrict is to retain and encourage less-intensive production, distribution, and repair businesses, especially the existing clusters of design-related businesses. Thus, this ~~*d*~~*D*istrict prohibits ~~*r*~~*R*esidential ~~*uses*~~ and ~~*o*~~*O*ffice *uses*, and limits~~,~~ ~~*r*~~*R*etail and ~~*i*~~*I*nstitutional uses. Additionally, this ~~*d*~~*D*istrict prohibits heavy industrial uses, which generate external noise, odors, and vibrations and engage in frequent trucking activities. Generally, all other uses are permitted. In considering any new land use not

contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

~~*SEC. 210.10.*~~ **PDR-1-G: General.** The intention of this ~~*d*~~*D*istrict is to retain and encourage existing production, distribution, and repair activities and promote new business formation. Thus, this ~~*d*~~*D*istrict prohibits ~~*r*~~*R*esidential and ~~*o*~~*O*ffice uses, and limits ~~*r*~~*R*etail and *i*~~*I*~~nstitutional uses. Additionally, this ~~*d*~~*D*istrict allows for more intensive production, distribution, and repair activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all other uses are permitted. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

~~*SEC. 210.11.*~~ **PDR-2: Core Production, Distribution, and Repair.** The intent of this ~~*d*~~*D*istrict is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. Thus, this ~~*d*~~*D*istrict~~,~~ prohibits new housing, large office developments, large-scale retail, and the heaviest of industrial uses, such as incinerators. Generally, all other uses are permitted. The conservation of existing flexible industrial buildings is also encouraged. *This* ~~*These*~~ ~~*d*~~*D*istrict~~*s*~~ permit*s* certain non-industrial, non-residential uses, including small-scale ~~*r*~~*R*etail and ~~*o*~~*O*ffice, ~~*e*~~*E*ntertainment, certain institutions, and similar uses that would not create conflicts with the primary industrial uses or are compatible with the operational characteristics of businesses in the area. Light industrial uses in ~~*these*~~ *this* ~~*d*~~*D*istrict~~*s*~~ may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. These uses may require trucking activity multiple times per day, including trucks with up to 18 wheels or more,

and occurring at any time of the day or night. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law. Within the requirements of local, state, and federal health and safety regulations, and within the stipulation of this eCode, which may impose additional use size maximums and minimum distance requirements on certain activities, raw materials used for production, manufacturing, repair, storage, research, and distribution may be stored on site and may include chemical, biological, and other hazardous, explosive, or flammable materials. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
BUILDING STANDARDS					
Massing and Setbacks					
Height and Bulk Limits.	§§ 102, 105, 106, 132.1, 250-252, 260, 270, 271.	*Varies. See Height and Bulk Map.*			
Floor Area Ratio	§§ 102,123, 124	*3.0 to 1 in a 40, 45, or 48-foot height district, 4.0 to 1 in a 50, 55, or 58-foot height district, 5.0 to 1 in a 65 or 68-foot height district, 6.0 in an 85-foot height district, or 7.5 to 1 in a height district over 85 feet.*			
Front, Rear, and Side Setbacks	§§ 130, 132, 133, 134	*Not Required*			
Street Frontage and Public Realm					
Streetscape and Pedestrian	§ 138.1	*Required*			

Improvements (Street Trees)					
Ground Floor Standards	*§ 145.5*	*Ground floor spaces with a minimum of 17 feet floor-to-floor.*			
Street Frontage, Required Ground Floor Commercial	*§ 145.4*	*As specified in § 145.4, certain streets and districts are required to have "active commercial uses"*			
Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*As specified in § 155(r)*			
Artworks and Recognition of Artists and Architects	*§ 429*	*Not Required*			
Miscellaneous					
Large Lot Subdivision	*§ 121.9*	*Subdividing, re-subdividing, or performing a lot line adjustment to a parcel that is equal to or greater than 10,000 square feet, into one or more smaller parcels requires C.*			
Large Project Review	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*
*Planned Unit Development**	*§ 304*	*C*	*C*	*C*	*C*
Awnings, Canopy or Marquee	*§§ 136, 136.1*	*P*	*P*	*P*	*P*
Signs	*§ 607*	*As permitted by Section § 607*			

** Residential Uses are not permitted*

Zoning Category	*§ References*	*PDR-1-B*	*PDR-1-D*	*PDR-1-G*	*PDR-2*
RESIDENTIAL STANDARDS & USES					
Development Standards					
Usable Open Space [Per Dwelling Unit]	*§§ 135, 136*	*N/A*	*N/A*	*N/A*	*N/A*
Residential Parking Requirements	*§§ 151.1, 161*	*N/A*	*N/A*	*N/A*	*N/A*
Residential Conversion, Demolition, or Merger	*§ 317*	*Loss of 1-2 units mandatory DR/Loss of 3 or more units C*			
Use Characteristics					
Single Room Occupancy	*§ 102*	*NP*	*NP*	*NP*	*NP*
Student Housing	*§ 102*	*NP*	*NP*	*NP*	*NP*
Residential Uses					
Dwelling Units	*§ 102*	*NP*	*NP*	*NP*	*NP*

Senior Housing	*§§ 102, 202.2(f)*	*NP*	*NP*	*NP*	*NP*
Group Housing	*§ 208*	*NP*	*NP*	*NP*	*NP*
Homeless Shelter	*§§102, 208*	*NP*	*NP*	*NP*	*NP*

Zoning Category	*§ References*	*PDR-1-B*	*PDR-1-D*	*PDR-1-G*	*PDR-2*
NON-RESIDENTIAL USES & STANDARDS					
Development Standards					
Off-Street Parking	*§§ 150, 151, 151.1*	*Parking required per Section 151.*	*None Required. Maximums set in Planning Code Section 151.1*		*Parking required per Section 151.*
Use Size Limits for Retail Sales and Service Uses	*§ 210.3(a)*	*See Chart 210.3A*	*5,000 gross square feet per lot, see reference (10) below*	*2,500 gross square feet per lot, see reference (9) below*	*See Chart 210.3A*
Use Size Limits for Non-Retail Sales and Service Uses	*§ 210.3(a)*	*See Chart 210.3A*	*n/a*	*n/a*	*See Chart 210.3A*
PDR Building Replacement	*§ 230*	*Demolition of buildings housing PDR Uses requires replacement PDR buildings as specified in Section 230*			
Commercial Use Characteristics					
Drive-up Facility	*§ 102*	*P*	*P*	*P*	*P*
Formula Retail	*§§ 102, 303.1, 786*	*P(17)*	*P*	*P*	*P(17)*
Open Air Sales	*§ 102*	*P*	*P*	*P*	*P*
Outdoor Activity Area	*§ 102*	*P*	*P*	*P*	*P*
Small Enterprise Workspace	*§§ 102, 202.2(g)*	*NP*	*P*	*P*	*NP*
Walk-up Facility	*§ 102*	*P*	*P*	*P*	*P*
Waterborne Commerce	*§ 102*	*NP*	*NP*	*NP*	*P*

Agricultural Use Category					
Agricultural Uses*	***§ 102, 202.2(c)***	***P***	***P***	***P***	***P***
Automotive Use Category					
Automotive Uses*	***§§ 102, 202.2(b, 142)***	***NP***	***P***	***P***	***P***
Automotive Repair	*§ 102*	*P(3)*	*P*	*P*	*P*
Automotive Sale/Rental	*§ 102*	*P*	*P(4)*	*P*	*P*
Automotive Service Station	*§§ 102, 202.2(b)*	*P*	*P*	*P*	*P*
Automotive Wash	*§§ 102, 202.2(b)*	*P*	*P*	*P*	*P*
Gas Station	*§§ 102, 202.2(b), 187.1, 228*	*P*	*P*	*P*	*P*
Parking Garage, Private	*§ 102*	*C*	*C*	*C*	*C*
Parking Garage, Public	*§ 102*	*C*	*C*	*C*	*C*
Parking Lot, Private	*§§ 102, 142, 156*	*C*	*NP*	*C*	*C*
Parking Lot, Public	*§§ 102, 142, 156*	*C*	*NP*	*C*	*C*
Service, Motor Vehicle Tow	*§ 102*	*P*	*P*	*P*	*P*
Entertainment and Recreation Use Category					
Entertainment and Recreation Uses*	***§ 102***	***P***	***P***	***P***	***P***
Entertainment, General	*§ 102*	*P(5)*	*P*	*P*	*P*
Entertainment, Nighttime	*§ 102*	*P(5)*	*P*	*P*	*P*
Entertainment, Outdoor	*§ 102*	*NP*	*P*	*P*	*P*
Livery Stable	*§ 102*	*NP*	*P*	*P*	*P*
Movie Theater	*§ 102, 202.4*	*P(6)*	*P(6)*	*P(6)*	*P(6)*
Sports Stadium	*§ 102*	*NP*	*C*	*C*	*C*
Industrial Use Category					
Auto Wrecking	*§§ 102, 202.2(d)*	*NP*	*NP*	*NP*	*C*
Automobile Assembly	*§§ 102, 202.2(d)*	*NP*	*C*	*C*	*P*
Food Fiber and Beverage Processing 1	*§§ 102, 202.2(d)*	*NP*	*P*	*P*	*P*

Food Fiber and Beverage Processing 2	*§§ 102, 202.2(d)*	*NP*	*C*	*C*	*C*
Grain Elevator	*§§ 102, 202.2(d)*	*NP*	*P*	*NP*	*P*
Hazardous Waste Facility	*§§ 102, 202.2(d)*	*NP*	*NP*	*NP*	*C*
Junkyard	*§§ 102, 202.2(d)*	*NP*	*NP*	*NP*	*P*
Livestock Processing 1	*§§ 102, 202.2(d)*	*NP*	*NP*	*NP*	*C*
Livestock Processing 2	*§§ 102, 202.2(d)*	*NP*	*NP*	*NP*	*NP*
Manufacturing 1, Heavy	*§§ 102, 202.2(d)*	*NP*	*C*	*C*	*C*
Manufacturing 2 Heavy	*§§ 102,202.2(d)*	*NP*	*NP*	*C*	*C*
Manufacturing 3, Heavy	*§§ 102, 202.2(d)*	*NP*	*NP*	*NP*	*C*
Manufacturing, Light	*§§ 102, 202.2(d)*	*P(5)*	*P*	*P*	*P*
Ship Yard	*§§ 102, 202.2(d)*	*NP*	*NP*	*NP*	*C*
Metal Workshop	*§§ 102, 202.2(d)*	*NP*	*P*	*P*	*P*
Storage Yard	*§§ 102, 202.2(d)*	*P(5)*	*P*	*P*	*P*
Storage, Volatile Materials	*§§ 102, 202.2(d)*	*NP*	*NP*	*NP*	*C*
Truck Terminal	*§§ 102, 202.2(d)*	*NP*	*P*	*P*	*P*
Institutional Use Category					
Child Care Facility	*§ 102*	*NP*	*P*	*NP*	*NP*
Community Facility	*§ 102*	*P*	*P*	*P*	*P*
Community Facility, Private	*§ 102*	*P*	*P*	*P*	*P*
Hospital	*§ 102*	*NP*	*NP*	*NP*	*NP*
Job Training	*§ 102*	*P(7)*	*P(7)*	*P(7)*	*P(7)*
Medical Cannabis Dispensary	*§§ 102, 202.2(e)*	*NP*	*NP*	*NP*	*NP*

Philanthropic Admin. Services	*§ 102*	*NP*	*NP*	*NP*	*NP*
Post-Secondary Ed. Institution	*§ 102*	*P(7)*	*P(7)*	*NP*	*NP*
Public Facilities	*§ 102*	*C*	*C*	*C*	*C*
Religious Institution	*§ 102*	*P(7)*	*P(7)*	*P(7)*	*P(7)*
Residential Care	*§ 102*	*NP*	*NP*	*NP*	*NP*
School	*§ 102*	*P(7)*	*P(7)*	*NP*	*NP*
Social Service or Philanthropic Facility	*§ 102*	*P(5)*	*P(8)*	*P(8)*	*P(5)*
Trade School	*§ 102*	*P(7)*	*P(7)*	*P(7)*	*P(7)*
Sales and Service Use Category					
Retail Sales and Service Uses*	***§§ 102, 202.2(a)***	***P(1)***	***P(10)***	***P(9)***	***P(1)***
Adult Business	*§ 102*	*NP*	*P*	*P*	*P*
Animal Hospital	*§ 102*	*P*	*P*	*P*	*P*
Cat Boarding	*§ 102*	*P*	*P*	*P*	*P*
Grocery Store, General	*§§ 102, 202.3*	*P(1)*	*P(13)*	*P(12)*	*P(1)*
Gym	*§ 102*	*P(1)*	*P(13)*	*P(12)*	*P(1)*
Hotel	*§ 102*	*NP*	*NP*	*NP*	*NP*
Kennel	*§ 102*	*NP*	*P*	*P*	*P*
Massage Establishment	*§ 102*	*C*	*C*	*C*	*C*
Massage, Foot/Chair	*§ 102*	*P*	*P*	*P*	*P*
Mortuary	*§ 102*	*P*	*NP*	*P*	*P*
Motel	*§§ 102, 202.2(a)*	*NP*	*NP*	*NP*	*NP*
Services, Health	*§ 102*	*P(3)*	*P(8)*	*P(8)*	*P(5)*
Storage, Self	*§ 102*	*NP*	*NP*	*NP*	*NP*
Trade Shop	*§ 102*	*P(11)*	*P*	*P*	*P*
Non-Retail Sales and Service*	***§ 102***	***P(2)***	***NP(14)***	***NP(14)***	***P(2)***
Catering	*§ 102*	*P(5)*	*P*	*P*	*P*
Laboratory	*§ 102*	*P(16)*	*P*	*P*	*P*
Life Science	*§ 102*	*NP*	*NP*	*NP*	*NP*
Services, Business	*§ 102*	*P*	*P*	*P*	*P*
Storage, Commercial	*§ 102*	*P(5)*	*P*	*P*	*P*
Storage, Wholesale	*§ 102*	*P(5)*	*P*	*P*	*P*
Trade Office	*§ 102*	*P*	*P*	*P*	*P*
Wholesale Sales	*§ 102*	*P(5)*	*P*	*P*	*P*
Utility and Infrastructure Use Category					

Community Recycling Center	*§ 102*	*NP*	*NP*	*P*	*P*
Internet Service Exchange	*§ 102*	*C*	*C*	*C*	*C*
Power Plant	*§ 102*	*NP*	*NP*	*C*	*C*
Public Transportation Facility	*§ 102*	*NP*	*C*	*C*	*C*
Public Utilities Yard	*§ 102*	*P(5)*	*P*	*P*	*P*
Utility Instillation	*§ 102*	*C*	*P*	*P*	*P*
Wireless Telecommunications Services *Facility*	*§ 102*	*C*	*P(15)*	*P(15)*	*P(15)*

** not listed below*
(1) See Chart 210.3A
(2) See Chart 210.3A
(3) NP above 7,500 Gross Square Feet
(4) Required to be in an enclosed building, NP if operated on open lot
(5) NP above 5000 Gross Square Feet
(6) More than 3 screens NP
(7) NP above 20,000 Gross Square Feet. Housing is not permitted
(8) C if above 5,000 Gross Square Feet
(9) In this District, all uses with this reference number are limited to a cumulative total of 2,500 Gross Square Feet per lot
(10) In this District, all uses with this reference number are limited to a cumulative total of 5,000 Gross Square Feet per lot
(11) Printing shop and newspaper publication limited to 5,000 Gross Square Feet
(12)C required if larger than 2,500 Gross Square Feet per lot; Gyms greater than 2,500 Gross Square Feet must include equipment and space for weight- lifting and cardio- vascular activities.
(13)C required if larger than 5,000 Gross Square Feet per lot; Gyms greater than 5,000 Gross Square Feet must include equipment and space for weight- lifting and cardio- vascular activities.
(14) NP unless in a designated landmark; P in A designated landmark.
(15) C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. See definition in 102 for more information.
(16) NP Above 2500 Gross Square Feet
(17) C required for properties within the Third Street Formula Retail Restricted Use District (§786), which includes properties fronting Third Street between Williams Avenue and Paul Street.

SEC. 210.3A

In order to preserve land and building space for light industrial activities, non-accessory retail and office uses that exceed the square footage stated in the table below shall not be permitted in PDR-1-B and PDR-2 Districts. The use area shall be measured as the occupied floor area of all retail or offices activities on a lot that have a (1) or (2) in the respective zoning district's use control column in Table 210.3 (Zoning Control Table for PDR Districts). Additionally, a cumulative use size maximum applies in PDR-1-B and PDR-2 Districts, such that the combined floor area of any and all uses permitted by Table 210.3 with a (1) or (2) in the respective zoning district's use control column may not exceed the limits stated in the table below for any given lot.

These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3 of this Code.

Table 210.3A

District	*Cumulative Use Size Limit, All Uses in Chart 210.3 followed by a (1)*	*Cumulative Use Size Limit, All Uses in Chart 210.3 followed by a (2)*	*Total Size Maximum. All Uses in Chart 210.3 followed by a (1) or (2) Combined*
PDR-1-B	*2,500 sq. ft.*	*5,000 sq. ft.*	*7,500 sq. ft.*
PDR-2	*2,500 sq. ft.*	*5,000 sq. ft.*	*5,000 sq. ft.*

~~***SEC. 210.4. C-M DISTRICTS: HEAVY COMMERCIAL.***~~

~~*These districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts. There is an emphasis upon wholesaling and business services, and some light manufacturing and processing are also permitted though limited in most cases to less than an*~~

~~*entire building. In recognition of the potentially adverse effects of these heavy uses and the proximity of these districts to residential and other commercial areas, standards are imposed as to enclosure within buildings and screening of outdoor uses.*~~

~~***SEC. 212. ADDITIONAL REQUIREMENTS FOR USES IN CERTAIN C AND M DISTRICTS.***~~

~~*In the following C and M Districts, the permitted uses indicated in Sections 215 through 227 shall be subject to the additional requirements contained in this Section 212.*~~

~~*(a) **Uses in Enclosed Buildings.** In C-2 Districts, all permitted uses, and all storage, servicing, fabricating, processing or repair uses accessory thereto, shall be conducted within enclosed buildings, with the exceptions of:*~~

~~*(1) Those uses indicated by an asterisk (*) in the column for the district;*~~

~~*(2) Accessory off-street parking and loading areas where permitted;*~~

~~*(3) Accessory outdoor dining areas where permitted;*~~

~~*(4) Accessory recreation areas where permitted; and,*~~

~~*(5) Mobile Food Facilities as defined in Section 102.34.*~~

~~*(b) **Drive-up Facilities.** In C-3 Districts, a Drive-up Facility, as defined in Section 790.30 of this Code, shall not be permitted.*~~

~~*(c) **Required Ground-floor Commercial Frontage in C-3 Districts.***~~

~~*(1) **Purpose.** The purpose of this section is to assure continuity of retail and consumer service uses in the C-3-R District, and in other important commercial streets in C-3 Districts.*~~

~~*(2) **Applicability.***~~

~~*(A) In the C-3-R District, along any block frontage that is entirely within such district or partly in such district and partly in the C-3-O District, where such block frontage faces a street 40 feet or more in width;*~~

~~*(B) On building frontages facing Destination Alleyways, as defined in the Downtown Streetscape Plan;*~~

~~(C) Along any street frontage facing Market Street in all C-3 Districts except the Van Ness and Market Downtown Residential Special Use District.~~

~~(3) **Controls.**~~

~~(A) **Ground Story.** Permitted uses listed in Sections 218 and 221 shall be located facing such street in the ground story of any building. At least 1/2 the total width of any new or reconstructed building, parallel to and facing such street, shall be devoted at the ground story to entrances, show windows or other displays of such uses.~~

~~(B) **All Levels.** All other permitted uses shall be located either on stories above or below the ground story or at a distance of not less than 20 feet behind each street frontage at the ground story. No more than 1/3 the width of any lot, parallel to and facing such street, shall be devoted to entrances to such other permitted uses.~~

~~(d) **Hazardous, Noxious, or Offensive Uses Prohibited.** No use listed as permitted in any C District or M-1 District shall include any use that is hazardous, noxious or offensive for reasons described in Section 202(c) of this Code.~~

~~**SEC. 213. USES PERMITTED IN C, M, AND PDR DISTRICTS.**~~

~~(a) The uses listed in Sections 215 through 227 are permitted in C, M, and PDR Districts as indicated by the following symbols in the respective columns for each district:~~

~~P: Permitted as a principal use in this district.~~

~~C: Subject to approval by the City Planning Commission as a conditional use in this district as provided in Section 303 of this Code.~~

~~NA: This listing not applicable to this district, as the same use is listed subsequently for the district with fewer restrictions.~~

~~*Blank Space: Not permitted in this district.*~~

~~*(b) The Section titles are intended only as an aid to use of this Code and are not binding as to interpretation of these Sections. In general, but not in all cases, uses that are more widely permitted in C, M, and PDR Districts are listed in earlier Sections. Uses listed in an earlier Section shall not include any use first specifically listed in a later Section. Where the same use is listed as permitted two or more times for the same district, with different restrictions, the permitted listing with the fewest restrictions shall prevail for that district.*~~

~~*(c) Determinations as to the classification of uses not specifically listed shall be made in the manner indicated in Sections 202 and 307(a) of this Code.*~~

~~*(d) Reference should be made to Sections 204 through 204.5 for regulations pertaining to accessory uses permitted for principal and conditional uses listed in Sections 215 through 227.*~~

~~*(e) Reference should also be made to the other Articles of this Code containing provisions relating to definitions, off-street parking and loading, dimensions, areas and open spaces, nonconforming uses, height and bulk districts, signs, historic preservation, and other factors affecting the development and alteration of properties in these use districts.*~~

SEC. ~~*210.5.*~~ *210.4. M Districts: Industrial*

~~***SEC. 210.4.***~~ **M-1 Districts: Light Industrial.** ~~*These are one of two types of districts providing land for industrial development.*~~ In general, the M-1 Districts are more suitable for smaller industries dependent upon truck transportation, while the M-2 Districts are more suitable for larger industries served by rail and water transportation and by large utility lines. In M-1 Districts, most industries are permitted, but some with particularly noxious characteristics are excluded.

The permitted industries have certain requirements as to enclosure, screening, and minimum distance from Residential Districts.

~~*SEC. 210.6.*~~ **M-2 Districts: Heavy Industrial.** These ~~*d*~~Districts are the least restricted as to use and are located at the eastern edge of the City, separated from residential and commercial areas. The heavier industries are permitted, with fewer requirements as to screening and enclosure than in M-1 Districts, but many of these uses are permitted only as conditional uses or at a considerable distance from Residential Districts. Most of the land zoned M-2 is controlled by the Port of San Francisco.

Table 210.4

ZONING CONTROL TABLE FOR M DISTRICTS

Zoning Category	*§ References*	*M-1*	*M-2*
BUILDING STANDARDS			
Massing and Setbacks			
Height and Bulk Limits. (See Height and Bulk Map for specific property information)	*§§ 102, 105, 106, 250—252, 260, 261, 270, 271.*	*Varies. See Height and Bulk District Maps*	
Front, Rear, and Side Setbacks	*§ § 130, 132, 133, 134*	*See Residential Standards*	
Street Frontage and Public Realm			
Streetscape and Pedestrian Improvements	*§138.1*	*Required*	
Street Frontage Requirements	*§ 145.1*	*Not Required*	
Street Frontage, Required Ground Floor Commercial	*§ 145.4*	*As specified in § 145.4, certain streets and districts are required to have "active commercial uses"*	
Ground Floor Standards	*§145.5*	*Ground floor spaces with a minimum clear ceiling height of 15 feet required.*	

Street Frontage, Parking and Loading access restrictions	*§ 155(r)*	*As specified in § 155(r)*	
Artworks and Recognition of Artists and Architects	*§ 429*	*Not required*	
Miscellaneous			
Large project review	*§§ 121.5, 253*	*none*	
Planned Unit Development	*§ 304*	*C*	*C*
Awnings, Canopy or Marquee	*§§ 136, 136.1*	*P*	*P*
Signs	*§ 607*	*As permitted by Section § 607*	
Zoning Category	*§ References*	*M-1*	*M-2*
RESIDENTIAL STANDARDS & USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	*§§ 135, 136*	*At least 36 square feet if private, and 48 square feet per dwelling unit if public.*	
Residential Parking Requirements	*§§ 151, 161*	*None required. P up to one space for every two units. C up to three spaces for every four units. NP above.*	
Rear Yard Setback	*§ § 130, 134*	*25 percent of the total depth lot depth, but in no case less than 15 feet.*	
Residential Conversion, Demolition, or Merger	*§ 317*	*Loss of 1-2 units mandatory DR/Loss of 3 or more units C*	
Use Characteristics			
Single Room Occupancy	*§ 102*	*P*	*P*
Student Housing	*§ 102*	*P*	*P*
Residential Uses			

Residential Density, Dwelling Units	*§ 207*	*C at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 feet of lot area. Any remaining fraction of one-half or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units. NP above.*	
Senior Housing	*§ 102*	*NP*	*NP*
Residential Density, Group Housing	*§ 208*	*C at a density ratio not exceeding the maximum density permitted for group housing in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided that the maximum density shall in no case be less than one bedroom per 275 square feet of lot area. Any remaining fraction of one-half or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units. NP above.*	
Homeless Shelter	*§§102, 208*	*P*	*P*
Zoning Category	*§ References*	*M-1*	*M-2*
NON-RESIDENTIAL STANDARDS & USES			
Development Standards			
Floor Area Ratio	*§§ 102.~~9, 102.11~~, 123, 124*	*5 to 1*	*5 to 1*
Off-Street Parking, Non-Residential	*§§ 150, 151.*	*None Required. Maximums set in Planning Code Section 151.1*	*Minimum parking required per Section 151.*

Commercial Use Characteristics			
Drive-up Facility	*§102*	*C*	*C*
Formula Retail	*§§102, 303.1, 786*	*P(2)*	*P(2)*
Open Air Sales	*§102*	*P*	*P*
Outdoor Activity Area	*§102*	*P*	*P*
Walk-up Facility	*§102*	*P*	*P*
Waterborne Commerce	*§102*	*P*	*P*
Agricultural Use Category			
Agricultural Uses*	***§§102, 202.2(c)***	***P***	***P***
Automotive Use Category			
Automotive Uses*	***§§102, 202.2(b)***	***P***	***P***
Parking Garage, Private	*§102*	*C*	*C*
Parking Garage, Public	*§102*	*C*	*C*
Parking Lot, Public	*§102, 142, 156*	*C*	*C*
Entertainment and Recreation Use Category			
Entertainment and Recreation Uses*	***§102***	***P***	***P***
Industrial Use Category			
Auto Wrecking	*§§102, 202.2(d)*	*C*	*C*
Automobile Assembly	*§§102, 202.2(d)*	*P*	*P*
Food ,Fiber and Beverage Processing 1	*§§102, 202.2(d)*	*P*	*P*
Food ,Fiber and Beverage Processing 2	*§§102, 202.2(d)*	*NP*	*P*
Grain Elevator	*§§102, 202.2(d)*	*NP*	*P*
Hazardous Waste Facility	*§§102, 202.2(d)*	*NP*	*C*
Junkyard	*§§102, 202.2(d)*	*NP*	*P*
Livestock Processing 1	*§§102, 202.2(d)*	*P*	*P*
Livestock Processing 2	*§§102, 202.2(d)*	*NP*	*C*
Manufacturing 1, Heavy	*§§102, 202.2(d)*	*P*	*P*
Manufacturing 2 Heavy	*§§102, 202.2(d)*	*C*	*P*
Manufacturing 3, Heavy	*§§102, 202.2(d)*	*NP*	*P*
Manufacturing, Light	*§§102, 202.2(d)*	*P*	*P*
Metal Workshop	*§§102, 202.2(d)*	*P*	*P*
Ship Yard	*§§102, 202.2(d)*	*NP*	*P*
Storage Yard	*§§102, 202.2(d)*	*P*	*P*
Storage, Volatile Materials	*§§102, 202.2(d)*	*NP*	*C*
Truck Terminal	*§§102, 202.2(d)*	*C*	*C*

Institutional Use Category			
Institutional Uses*	***§102***	***P***	***P***
Child Care Facility	*§102*	*P*	*NP*
Hospital	*§102*	*C*	*NP*
Medical Cannabis Dispensary	*§102, §202.2(g)*	*NP*	*NP*
Post-Secondary Ed. Institution	*§102*	*P*	*NP*
Residential Care Facility	*§102*	*P*	*NP*
School	*§102*	*P*	*NP*
Sales and Service Use Category			
Retail Sales and Service Uses*	***§102 §202.2(a)***	***P***	***P***
Hotel	*§102*	*C*	*C*
Massage Establishment	*§102*	*C*	*C*
Motel	*§102 §202.2(a)*	*C*	*C*
Non-Retail Sales and Service*	***§102***	***P***	***P***
Utility and Infrastructure Use Category			
Utility and Infrastructure*	***§102***	***P***	***P***
Internet Service Exchange	*§102*	*C*	*C*
Public Transportation Facility	*§102*	*C*	*C*
Wireless Telecommunications Services Facility	*§102*	*P(1)*	*P(1)*
** not listed below*			

(1) C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. See definition in 102 for more information.
(2) C required for properties within the Third Street Formula Retail Restricted Use District (§786), which includes properties fronting Third Street between Williams Avenue and Paul Street.

SEC. ~~234.~~ *211.* P *(Public)* Districts.

(a) In addition to the use districts otherwise established by this Code, there shall also be in the City a Public Use District herein referred to as a "P District," to apply to land that is owned by a governmental agency and in some form of public use, including open space.

(b) The purpose of designating such land as a P District on the Zoning Map is to relate the Zoning Map to actual land use and to the *Master General* Plan with respect to such land. Any lot in a P District may be occupied by a principal use listed in Section *211.1* ~~*234.1*~~, or by a conditional use listed in Section *211.2* ~~*234.2*~~, subject to applicable regulations of this Code. *Principal uses not identified under Sections 211.1 and 211.2 of this Code are not permitted in any P District* ~~*including the limitations of Section 290 for OS (Open Space) Districts; provided, however, that on any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Inividual Area Neighborhood Commercial District as decribed in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located within 1/4 mile of the lot, excluding the provisions of zoning category .83, as defined in Section 790.80 of Article 7.*~~

SEC. ~~*234.1.*~~ *211.1*. **PRINCIPAL USES PERMITTED, P DISTRICTS.**

The following uses are principally permitted in all P Districts when found to be in conformity with the General Plan:

(a) Structures and uses of governmental agencies not subject to regulation by this Code.

(b) Public structures and uses of the City and County of San Francisco, and of other governmental agencies that are subject to regulation by this Code, including Neighborhood Agriculture, as defined in ~~*Planning Code*~~ Section 102~~.35~~ *of this Code*; and,

(c) ~~a~~Accessory nonpublic uses*, which in P Districts may or may not be related to the principal use, provided that they meet the following standards:*

(1) If the accessory nonpublic use is located on a lot with an OS Height and Bulk designation per Section 290 of this Code, it shall occupy a de minimis amount of space so that it does not detract from the lot's principal or exclusive purpose as open space. In no case may accessory nonpublic uses occupy more than 1/3 of the total lot area occupied by the principle use;

(2) If the accessory nonpublic use is located on a lot without an OS Height and Bulk designation, it shall not occupy more than 1/3 of the total occupied floor area of the principle use;

(3) If the accessory nonpublic use is located within ¼ mile of a Restricted Use Subdistrict listed in Article 2 or 7, then no use prohibited in such Subdistrict may be permitted as an accessory nonpublic use;

(4) The accessory nonpublic use is principally permitted within the closest non-Residential District. The closest non-Residential district is defined as the non-Residential zoning district that is the shortest distance between any area occupied by the accessory nonpublic use and a parcel with a non-Residential zoning designation. If there is more than one non-Residential district that meets this definition, the more permissive zoning district shall apply; and,

(5) The proposed Accessory use is not a Formula Retail use as defined in Section 102 of this Code.

(d) Neighborhood Agriculture, as defined in Section 102 of this Code;

(e) City Plazas, as defined in Section 94.1 of the Administrative Code.

(f) Any temporary use identified in Sections 205 et seq. of this Code, regardless of the zoning district specified in that Section but subject to the time limits specified in that Section for such temporary use;

(g) Any temporary use not considered in Subsection (f) above for which an enabling action is taken by either the Board of Supervisors, the Recreation and Parks Commission, the Municipal Transportation Agency Board of Directors, or other City Board or Commission with jurisdiction over the property. Temporary uses authorized under this Subsection (g) shall be:

(A) Limited to a renewable period of no more than three years as approved by the Zoning Administrator, and

(B) Be of a nature such that the property on which the temporary use is located can be readily returned to the state in which it existed immediately prior to the commencement of the temporary use.

~~*when in conformity with the Master Plan and the provisions of other applicable codes, laws, ordinances and regulations; provided, however, that on any lot in a P District, which lot is within ¼ mile of the nearest NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District located within ¼ mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of this Code.*~~

SEC. ~~*234.2.*~~ *211.2.* CONDITIONAL USES, P DISTRICTS.

The following uses shall *require Conditional Use authorization from* ~~*be subject to approval by*~~ the ~~*City*~~ Planning Commission, as provided in Section 303 of this Code*, unless otherwise permitted under Section 211.1 of this Code:*

(a) *For any P District, Social Service and Philanthropic Facility, Child Care Facility, School, Post-Secondary Educational Institution, Religious Institution, Community Facility, Open Recreation Area, Passive Outdoor Recreation and Neighborhood Agriculture as defined in Section 102 of this Code.* ~~*Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j); 209.4(a); 209.5(a); 209.5(b); 209.5(d) if the use does not comply with the performance and operational standards as defined by Section 102.35(a); 209.5(e); 209.6(b); 209.6(c); 209.9(c); and 234.2(c) and (d) of this Code.*~~ *Additionally, Neighborhood Agriculture, as defined in Section 102 of this Code, if it does not comply with the performance and operational standards contained in Section 202.2(c.)*

(b) *For P Districts located within the right-of-way of any State or federal highway:*

(1) Parking lot or garage uses when: (A) adjacent to any Eastern Neighborhoods Mixed Use Districts, or the South of Market Mixed Use District, or (B) within the Market and Octavia Plan Area.

~~*With respect to any lot in a P District, which lot is within ¼ mile of the nearest NC-1 or Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located within ¼ mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of Article 7.*~~

~~*(c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code when located within any P district within the Eastern Neighborhoods Mixed Use District, the South of Market Mixed Use District, the Market and Octavia Plan Area, and within the right-of-way of any State or federal highway.*~~

~~*(d) In any P District which is within the Eastern Neighborhoods Mixed Use District and the South of Market Mixed Use District, if the use is located within the right-of-way of any State or federal highway, the following uses:* (1)~~ *(2)* Retail and personal service uses primarily meeting the needs of commuters on nearby streets and highways or persons who work or live nearby, provided that:

(A) The space is on the ground floor of a publicly-accessible parking garage;

(B) The total gross floor area per establishment does not exceed 2,500 square feet;

(C) The space fronts on a major thoroughfare; and

(D) The building ~~*facade*~~ *façade* incorporates sufficient fenestration and lighting to create an attractive urban design and pedestrian-oriented scale.

(c) Additionally, on property with a P District designation that the City and County of San Francisco owns, any use not otherwise principally permitted in a P district as set forth in Section 234.1 of this Code shall be permitted with conditional use authorization, except for:

(1) Residential uses;

(2) Any use first permitted in a M-2 District; and

(3) Formal Retail uses where the subject P zoned lot is within ¼ of a mile of a zoning district that prohibits Formula Retail.

~~(2) Open-air sale of new or used merchandise, except vehicles, located within a publicly accessible parking lot, provided that:~~

~~(A) The sale of goods and the presence of any booths or other accessory appurtenances are limited to weekend and/or holiday daytime hours;~~

~~(B) Sufficient numbers of publicly accessible toilets and trash receptacles are provided on-site and are adequately maintained; and~~

~~(C) The site and vicinity are maintained free of trash and debris.~~

~~***SEC. 215. DWELLINGS.***~~

~~C-1~~	~~C-2~~	~~C-3-O~~	~~C-3-O (SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-S~~	~~C-M-1~~	~~M-2~~	~~PD-R-1-G~~	~~PD-R-1-D~~	~~PD-R-1~~	~~PD-R-2~~	

													~~***SEC. 215. DWELLINGS.***~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~				~~*(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the*~~

													~~front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no case be less than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area. The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.~~
		~~C~~		~~C~~	~~C~~	~~C~~							~~(b) Dwelling at a density ratio greater than that set forth in Subsection (a), to be determined by the City Planning Commission pursuant to Section 303(c) of this Code.~~

			~~P~~										~~(c) Dwelling at a density ratio not limited by lot area.~~
							~~C~~	~~C~~	~~C~~				~~(d) Mobile home park for house trailers, motor homes, campers and similar vehicles or structures used for dwelling purposes. Each vehicle or structure in any such park shall be regulated by this Code in the same manner as a dwelling unit.~~

~~*SEC. 216. OTHER HOUSING.*~~

~~C-1~~	~~C-2~~	~~C-3-O~~	~~C-3-O (SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-S~~	~~C-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1~~	~~PDR-2~~

													~~*SEC. 215. DWELLINGS.*~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~				~~(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across~~

		C		C	C	C							
			P										

~~the street therefrom, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no case be less than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area. The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.~~

~~(b) Dwelling at a density ratio greater than that set forth in Subsection (a), to be determined by the City Planning Commission pursuant to Section 303(c) of this Code.~~

~~(c) Dwelling at a density ratio not limited by~~

													~~lot area.~~
							~~C~~	~~C~~	~~C~~				~~(d) Mobile home park for house trailers, motor homes, campers and similar vehicles or structures used for dwelling purposes. Each vehicle or structure in any such park shall be regulated by this Code in the same manner as a dwelling unit.~~

~~*SEC. 217. INSTITUTIONS.*~~

~~C-1~~	~~C-2~~	~~C-3-O~~	~~C-3-O (SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-S~~	~~C-M~~	~~M-1~~	~~M-2~~	~~PD R-1-G~~	~~PD R-1-D~~	~~PDR-1-B~~	~~PD R-2~~

													~~*SEC. 217. INSTITUTIONS.*~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~					~~(a) Hospital, medical center or other medical institution which includes facilities for inpatient or outpatient medical care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated~~

													~~with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C~~	~~P~~	~~P~~					~~(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf,~~	~~P under 5,000 gsf, C above~~	~~P under 7,500 sf~~	~~P under 5,000 sf~~	~~(c) Clinic primarily providing outpatient care in medical, psychiatric or other healing arts and not a part of a medical institution as specified in Subsection 217(a) above.~~

									~~C above~~				
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf, C above~~	~~P under 5,000 gsf, C above~~	~~P under 5,000 sf~~	~~P under 5,000 sf~~	~~(d) Social service or philanthropic facility providing assistance of a charitable or public service nature.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C~~	~~P~~	~~P~~		~~P~~			~~(e) Child care facility providing less than 24-hour care for children by licensed personnel and meeting the open space and other requirements of the State of California and other authorities.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P under 20,000 gsf, if no~~	~~P under 20,000 sf if no housin~~		~~(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.~~

										~~housing~~	~~g~~		
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P under 20,000 sf if no housing~~	~~P under 20,000 sf if no housing~~		~~(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P under 20,000 sf if no housing~~	~~P under 20,000 sf if no housing~~		~~(h) Postsecondary educational institution for the purposes of academic, professional, business or fine arts education, which is required to submit an institutional master plan pursuant to Section 304.5 of this Code. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.~~
					~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(i) Secondary or postsecondary~~

									~~under 20,000 sf if no housing~~	~~under 20,000 sf if no housing~~	~~under 20,000 sf if no housing~~	~~educational institution, other than as specified in Subsection 217(g) and (h) above.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 20,000 sf if no housing~~	~~P under 20,000 sf if no housing~~	~~P under 20,000 sf if no housing~~	~~(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~					~~(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code. (a) Requirements. MCDs must meet the following requirements:~~

~~1. the parcel containing the MCD cannot located within 1,000 feet from a parcel containing:~~

~~a. a public or private elementary or secondary school and~~

~~b. a community facility and/or recreation center that primarily serves persons under 18 years of age; and~~

~~2. the MCD is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health;~~

~~3. no alcohol is sold or distributed on the premises for on or off-site consumption;~~

~~4. if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from the premises;~~

~~5. in addition to these requirements, an MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.~~

~~(b) Application and Referral Process. The Department of Public Health is the lead agency for regulating MCDs. Final City permits are issued by the Department of Public Health. No dispensary may open without final authorization from the Department of Public Health. The Planning Department will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral from the Department of Public Health pursuant to DPH Code Section 3304 and 3305; (2) supplemental application materials designated by the Planning Department; and (3) a building permit application.~~

~~(c) Notice. Once the Department has determined that the application is~~

~~complete, a 30-day notice of application shall be mailed to owners and occupants within a 300-foot radius of the subject property. Notice shall be posted on the project site for no less than 30 days.~~

~~(d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or approve the dispensary.~~

~~(e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical cannabis dispensary has no exterior wall sign, shall include the following language: "Only individuals with legally recognized Medical~~

~~Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches in height. (f) If an MCD closes for a duration longer than 18 months or if the MCD's license is revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered abandoned and any Planning Commission authorization for the parcel shall be null and void. (g) Any permit issued for a medical cannabis dispensary shall contain the following statement in bold face type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law."~~

~~SEC. 218. RETAIL SALES AND PERSONAL SERVICES.~~

~~C-2~~	~~C-3-O~~	~~C-3-O(SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-S~~	~~C-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1-B~~	~~PDR-2~~	
													~~SEC. 218. RETAIL SALES AND PERSONAL SERVICES.~~
													~~The uses specified in this Section shall not include any use first specifically listed in a subsequent Section of this Code.~~
~~P~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 2,500 gsf per lot; C above for Groeve~~	~~P under 5,000 gsf per lot; C above~~	~~P under 2,500 gsf~~	~~P under 2,500 gsf per lot*#~~	~~(a) Retail business or personal service establishment.~~

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											~~ght-lifting and cardiovascular activities~~		
													~~*Subject to the limitations of Sections 121.6 and 121.8.~~ ~~#C for the establishment of new Formula Retail use, as described in Section 303.1, with frontage on Market Street between 6th Street and the intersection of Market Street and the intersection of Market Street, 12th Street and Franklin Street.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~M~~	~~M~~	~~PDR~~	~~PDR-2~~			

~~1~~	~~2~~	~~3 O~~	~~3 R~~	~~3 G~~	~~3 S~~	~~M 1~~	~~2~~	~~1~~		
										~~***SEC. 218.1. MASSAGE ESTABLISHMENTS.***~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~*Certain Accessory Massage as defined above in 218.1(c)(1).*~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~*Chair Massage as defined above in 218.1(c)(2).*~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~*All other massage. If the massage use does not meet the definition of California State Certification per 218.1(c)(3) or the requirements of 218.1(c)(1) or 218.1(c)(2), above, then the massage use shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303(c), and the additional criteria described in Sections 303(o) and 218.1(b) of this Code.*~~

~~***SEC. 218.1. MASSAGE ESTABLISHMENTS.***~~

~~*(a) **Definition.** Massage establishments are defined by Section 1900 of the San Francisco Health Code. Any massage establishment shall have first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.*~~

~~*(b) **Controls.** Massage establishments shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use for accessory use massage are described in subsection (c) below. When considering an application for a conditional use permit pursuant to this*~~

~~subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in Section 303(o).~~

~~(c) **Exceptions.** Certain exceptions would allow a massage use to be "permitted" without a Conditional Use authorization including:~~

~~(1) **Certain Accessory Use Massage**, provided that the massage use is accessory to a principal use and the massage use is accessed by the principal use; and~~

~~(A) the principal use is a dwelling unit and the massage use conforms to the requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or~~

~~(B) the principal use is a tourist hotel, as defined in Section 790.46 of this Code, that contains 100 or more rooms.~~

~~(C) the principal use is a large institution as defined in Section 790.50 of this Code, or~~

~~(D) the principal use is a hospital or medical center, as defined in Section 790.44 of this Code.~~

~~(2) **Chair Massage.** The only massage service provided is chair massage, such service is visible to the public, and customers are fully clothed at all times.~~

~~(3) **California State Certification.** A State certified massage establishment, as defined by Section 1900 of the San Francisco Health Code, that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600 et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization, pursuant to the California Business and Professions Code Section 4600 et seq., shall be regulated as a "Medical Service" use as defined by~~

~~Section 790.114 or 890.114 provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.~~

~~(d) **Enforcement.** Any massage establishment or exempted massage use found to be operating, conducted or maintained contrary to the provisions of this Code shall be found to be operating in violation of the Code and will be subject to enforcement as provided in Section 176. No application or building permit to establish a massage establishment or exempted massage use will be accepted within one year after the subject property if found operating in violation of the provisions of this Code.~~

~~**SEC. 219. OFFICES.**~~

~~C-1~~	~~C-2~~	~~C-3-O(SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-O~~	~~C-3-M~~	~~C-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1-B~~	~~PDR-2~~				
																	~~**SEC. 219. OFFICES.**~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~NP, unless in a designated landmark building~~		~~NP, unless in a designated landmark building~~	~~P*#~~	~~P*#~~				~~(a) Professional and business offices, as defined in 890.70, not more than 5,000 gross square feet in size and offering on-site services to the general public.~~

									~~ing. P in ing. P in desig nated desig nated land mark land mark build ings. build ings.~~				
									~~NP, unless in NP, unless a desig nated in a desig land mark nated land mark build mark build ing. P in ing. P in desig nated desig nated land mark land mark build ings. build ings.~~				~~(b) Professional and business offices, as defined in 890.70, larger than 5,000 gross square feet in size and offering on-site services to the general public.~~
									~~NP, unless in NP, unless a desig nated in a desig land mark nated land mark build mark build ing. P in ing. P in desig nated desig nated land mark land mark build ings. build ings.~~	~~P under 5,000 gsf *#~~	~~P under 5,000 gsf*#~~		~~(c) Other professional and business offices, as defined in 890.70, above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the district's primary function as an area for comparison shopper retailing and direct consumer services.~~
									~~NP, unless in NP, unless~~	~~P~~	~~P~~		~~(d) Other professional and business offices,~~

								~~a desig nated land build ing. P in desig nated land build ings.~~	~~in a desig nated land mark build ing. P in desig nated land build ings.~~	~~under 5,000 gsf*#~~	~~under 5,000 gsf *#~~	~~as defined in 890.70, at or below the ground floor.~~
												~~Subject to limitations of Section 121.8 #C for the establishment of new Formula Retail use, as described in Section 303.1, with frontage on Market Street between 6th Street and the intersection of Market Street and the intersection of Market Street, 12th Street and Franklin Street.~~

SEC. 219.1. ALLOWANCE FOR USES TO SUPPORT THE DEVELOPMENT OF NEW PDR SPACE IN THE PDR-1-D AND PDR-1-G DISTRICTS.

* * * *

(c) **Controls.** The Planning Commission may permit, per the procedures described below in Subsection (d), non-PDR uses on the subject lot pursuant to the following provisions:

* * * *

(2) For purposes of this Subsection, every square foot of Small Enterprise Workspace, as defined in Section *102* ~~227(t)~~, shall count as 0.5 square feet of PDR space and 0.5 square feet of non-PDR space as specified in Subsection (3) below.

* * * *

~~SEC. 220. LAUNDERING, CLEANING AND PRESSING.~~

~~C-1~~	~~C-2~~	~~C-3-O~~	~~C-3-O(SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-SM~~	~~C-M-1~~	~~M-2~~	~~P-DR-1-G~~	~~P-DR-1-GD~~	~~PDR-1-B~~	~~PDR-2~~		
														~~SEC. 220. LAUNDERING, CLEANING AND PRESSING.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~(a) Automatic laundry, as defined in Part II, Chapter V (Health Code) of the San Francisco Municipal Code.~~
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~P~~		~~(b) Establishment for hand-ironing only, not employing more than five persons.~~
~~P~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~P under 2,500~~	~~P~~	~~(c) Dry-cleaning establishment, including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any~~

											~~gsf~~	~~ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:~~
												~~(1) The establishment has only a central cleaning unit with a rated load factor of no more than 40 pounds and operated by employees of the establishment; or~~
												~~(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent equipment, where the total number of units does not exceed eight and their total aggregate capacity does not exceed 40 cubic feet; or~~
												~~(3) The establishment is a combination of the two foregoing types, with a central cleaning unit with a rated load factor of no more than 40 pounds, and no more than four self-service units the aggregate capacity of which shall not exceed 20 cubic feet.~~
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~NA~~	~~NA~~	~~P~~	~~P~~ ~~under 2,500 gsf~~	~~P~~ ~~(d) Dry cleaning establishment, including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:~~

												~~(1) The establishment has only a central cleaning unit with a rated load factor of no more than 60 pounds and operated by employees of the establishment; or~~
												~~(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent equipment where the total number of units does not exceed 16 and their total aggregate capacity does not exceed 80 cubic feet; or~~
												~~(3) The establishment is a combination of the two foregoing types, with a central cleaning unit with a rated load factor of no more than 60 pounds, and no more than eight self-service units the aggregate capacity of which shall not exceed 40 cubic feet.~~
							~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(e) Steam laundry, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.~~
							~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(f) Cleaning or dyeing plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.~~
							~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(g) Bag, carpet or rug cleaning, when conducted within a~~

~~under 2,500 gsf~~

~~under 2,500 gsf~~

												~~under 2,500 gsf~~	~~completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District~~

~~SEC. 221. ASSEMBLY AND ENTERTAINMENT.~~

~~C-1~~	~~C-2~~	~~C-3-O (SD)~~	~~C-3-O (R-S)~~	~~C-3-G~~	~~C-3-S~~	~~C-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1-B~~	~~PDR-2~~	
													~~SEC. 221. ASSEMBLY AND ENTERTAINMENT.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(a) Clubhouse.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Lodge building.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(c) Meeting hall.~~
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P if no~~	~~P if no~~	~~P if no~~	~~P if no~~	~~(d) Theater, except as specified under~~

										~~more than 3 screens~~	~~more than 3 screens~~	~~more than 3 screens~~	~~more than 3 screens~~	~~Subsection (k), below.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(e) Recreation building.~~
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 5,000 sf~~	~~P~~	~~(f) Amusement enterprise, including billiard hall, dance hall, nightclub, other nighttime entertainment activities as defined in Section 102.17, bowling alley, skating rink, shooting gallery, when conducted within a completely enclosed building; provided, (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and (2) that no portion of a building occupied by such use shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District.~~
~~P*~~	~~P*~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
	~~P*~~					~~NA~~	~~NA~~	~~NA~~	~~P~~	~~P~~			~~P~~	~~(h) Amusement park, and related commercial amusement enterprises not conducted in completely enclosed~~

														~~buildings; provided, that the use lawfully existed at the effective date of this Code, or is so located that (1) the premises are not less than 200 feet from any R District, and (2) the aggregate area in the same or adjoining blocks occupied by existing amusement enterprises is in excess of five acres.~~
						~~C~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~		~~C~~	~~(i) Commercial open-air sports stadium or arena, if conducted on premises not less than 200 feet from any R District.~~
						~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~(j) Circus, carnival, or other amusement enterprise not conducted within a building, if conducted on premises not less than 200 feet from any R District.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~(k) Adult entertainment enterprise, so specified in (i), (ii) and (iii) below, provided that the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other adult entertainment enterprise:~~

														~~(i) Adult bookstore, as defined by Section 791 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code);~~
														~~(ii)Adult theater, as defined by Section 791 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code);~~
														~~(iii) Encounter studios, as defined by Section 1072.1 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code). [See Section 212(a)]~~

~~***SEC. 222. HOME AND BUSINESS SERVICES.***~~

~~C-1~~	~~C-2~~	~~C-3-O(SD)~~	~~C-3-O(SR)~~	~~C-3-O(GS)~~	~~C-3-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1-B~~	~~PDR-2~~			

														~~***SEC. 222. HOME AND BUSINESS SERVICES.***~~

																~~The term "shop" as used in this section shall include only the establishments of artisans dealing at retail directly with the consumer and concerned primarily with custom trade.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(a) ousehold repair shop.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Interior decorating shop.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(c) Upholstering shop.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(d) Sign painting shop.~~
~~P~~				~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(e) Carpenter shop.~~
~~P~~				~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(f) Office of a building, plumbing, electrical, painting, roofing, furnace or pest control contractor, including storage of incidental equipment and supplies entirely within the same building, where provision is also made entirely within the structure for parking, loading and unloading of all vehicles used. (See also Section 225.)~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(g) Catering establishment.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(h) Printing shop.~~

	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~	~~(i) Newspaper publication.~~
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~	~~(j) Blueprinting shop.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(k) Hardware stores and contractor supply operations.~~

~~SEC. 223. AUTOMOTIVE.~~

~~All automotive uses that have vehicular use areas defined in Section 102.31 shall meet the screening requirements for vehicular use areas in Section 142.~~

~~C-2~~	~~C-3-O~~	~~C-3-O(SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-S~~	~~C-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1-B~~	~~PDR-2~~	

													SEC. 223. AUTOMOTIVE.
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(a) Sale or rental of new or used automobiles, when conducted entirely within an enclosed building.~~
~~P~~				~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.~~
~~C*~~				~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(c) Lot for sale or rental of new or used automobiles.~~
~~C*~~				~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(d) Lot for sale or rental of new or used trucks.~~
~~C*~~				~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(e) Sale or rental of new or used automobile trailers.~~
~~NA~~				~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~P~~	~~(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:~~
													~~(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;~~
													~~(2) Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps, sparkplugs, air filter, distributor points, carburetor, and~~

												~~generator charging rate;~~
												~~(3) Installation of lamp globes, sparkplugs, oil filter or filtering element, windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;~~
												~~(4) The servicing and repairing of tires and batteries;~~
												~~(5) The installation and servicing of smog control devices; and~~
												~~(6) Automobile washing and polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam cleaning device.~~
~~P*~~				~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:~~
												~~(1) Tuneup, including the repair or replacement of distributors, sparkplugs and carburetors;~~
												~~(2) Brake repair;~~
												~~(3) Shock absorber replacement;~~
												~~(4) Muffler exchange, with no open flame or torch;~~
												~~(5) Wheel balancing and alignment;~~

													~~(6) Wheel bearing and seals replacement;~~
													~~(7) Replacement of universal joints;~~
													~~(8) Radiator mounting and dismounting, with repairs done elsewhere;~~
													~~(9) Clutch adjustments;~~
													~~(10) Repair or replacement of water pumps;~~
													~~(11) Repair or replacement of generators, alternators and voltage regulators;~~
													~~(12) Repair or replacement of starters;~~
													~~(13) Repair or replacement of fuel pumps;~~
													~~(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph 8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.~~
~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 7,500 gsf~~	~~P~~		~~(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.~~

											~~(1) Body and fender repair limited to replacement of parts and spot paint spraying; and~~
											~~(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.~~
				~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(i) Repair garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:~~
										~~P under 5,000 gsf~~	
											~~(1) Internal engine repair or rebuilding;~~
											~~(2) Repair or rebuilding of transmissions, differentials or radiators;~~
											~~(3) Reconditioning of badly worn or damaged motor vehicles or trailers;~~
											~~(4) Collision service, including body, frame or fender straightening or repair; and~~
											~~(5) Full body paint spraying.~~
~~C*~~			~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(j) Automobile wash, when providing on the premises a reservoir of vehicle storage and standing area, outside the washing facilities, equal to at least ¼ the hourly capacity in vehicles of such facilities; provided,~~
											~~(1) that incidental noise is reasonably confined to the premises~~

												~~by adequate soundproofing or other device, and~~
												~~(2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.~~
					~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~(k) Tire recapping, if conducted on premises not less than 200 feet from any R District.~~
~~P*~~					~~C~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~	~~(l) Parking lot, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.~~
~~P~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~	~~(m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.~~
~~C*~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~	~~(n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.~~

~~P*~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.~~
~~P~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~	~~(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~P~~	~~(q) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.~~
					~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(r) Parcel delivery service, not subject to the above limitations.~~
~~C~~				~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(s) Ambulance service.~~
				~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(t) Storage garage for commercial passenger vehicles and light delivery trucks.~~
					~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(u) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high.~~

										~~C~~	~~C~~		~~P~~	~~P~~		~~P~~		~~(v) Truck terminal facility, if located not less than 200 feet from any R District.~~

~~**SEC. 224. ANIMAL SERVICES.**~~

			~~C~~											~~P~~	~~P~~			
		~~C~~	~~3~~	~~C~~	~~C~~	~~C~~					~~P~~	~~D~~		~~D~~	~~D~~			
~~C~~	~~C~~	~~-~~	~~-~~	~~-~~	~~-~~		~~C~~	~~M~~	~~M~~	~~R~~	~~R~~		~~R~~	~~R~~		~~PDR~~		
~~-~~	~~-~~	~~3~~	~~O~~	~~3~~	~~3~~	~~3~~	~~-~~							~~-~~	~~-~~			
~~1~~	~~2~~	~~-~~	~~(~~	~~-~~	~~-~~	~~-~~	~~M~~	~~1~~	~~2~~	~~1~~	~~G~~		~~1~~	~~1~~		~~2~~		
		~~OS~~	~~R~~	~~G~~	~~S~~									~~-~~	~~-~~			
			~~D~~											~~D~~	~~B~~			
			~~)~~															

																		~~**SEC. 224. ANIMAL SERVICES.**~~
~~C~~					~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~				~~(a) Animal hospital or clinic, if conducted entirely within an enclosed building; not including a commercial kennel as specified below.~~
								~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~				~~(b) Animal hospital or clinic, if conducted on premises not less than 200 feet from any R District.~~
								~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~			~~(c) Commercial kennel, if conducted on premises not less than 200 feet from any R District. A "commercial kennel" shall mean any commercial or business~~

														~~premises or other premises where dogs are boarded for compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding or sale of the dogs is the principal means of livelihood of the occupants of the premises.~~
							~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~(d) Riding academy or livery stable, if conducted on premises not less than 200 feet from any R District.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(e) Cat boarding.~~

~~SEC. 225. WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.~~

~~C-1~~	~~C-2~~	~~C-3-O~~	~~C-3-O(SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-S~~	~~C-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1-B~~	~~PDR-2~~	

														~~SEC. 225. WHOLESALING, STORAGE, DISTRIBUTION AND~~

													~~OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.~~
~~C~~			~~C~~	~~C~~	~~P~~	~~P~~	~~P~~		~~P~~				~~(a) Storage building for household goods.~~
		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Wholesale establishment when conducted entirely within an enclosed building, not including a storage warehouse.~~
					~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~(c) Wholesale storage warehouse, except for storage of inflammables.~~
									~~P~~			~~C~~	~~(d) Bulk storage of inflammable or highly combustible materials, if conducted not less than 500 feet from any R or NC District.~~
									~~C~~			~~C~~	~~(e) Bulk storage of explosives, if conducted not less than 500 feet from any R or NC District.~~
							~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~(f) Cold storage plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.~~
									~~P~~		~~P~~	~~P~~	~~(g) Grain elevator.~~
					~~C~~	~~C~~	~~NA~~	~~NA~~	~~P~~			~~P~~	~~(h) Dairy products distribution plant, where provision is made for off-street parking of all vehicles used and all operations including loading~~

													~~and unloading are conducted entirely within an enclosed building. (See also Section 226.)~~
						~~P~~	~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~		~~(i) Lot for sale of new or used merchandise, not including any use first specifically listed below.~~
						~~P~~	~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~		~~(j) Service yard for public utility, or public use of a similar character, if conducted entirely within an area completely enclosed by a wall or concealing fence not less than six feet high.~~
							~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~		~~(k) Contractor's storage yard or yard for rental of contractors' equipment if conducted within an area enclosed by a wall or concealing fence not less than six feet high.~~
							~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~		~~(l) Yard for storage or sale of building materials or lumber, livestock feed, or coal, if conducted within an area enclosed by a wall or concealing fence not less than six feet high.~~
							~~P~~	~~P~~	~~P~~		~~P~~		~~(m) Stone or monument yard, if conducted within an area enclosed by a wall or a concealing fence not less than six feet high.~~
							~~P~~	~~P~~				~~P~~	~~(n) Storage within a completely enclosed building of junk, waste,~~

												~~secondhand, discarded or salvaged materials, excluding automobile wrecking operations as defined in this Section 225; and if conducted not less than 200 feet from any R or NC District.~~
								~~P~~			~~P~~	~~(o) Junkyard, if located not less than 200 feet from any R or NC District. Junkyard shall mean an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; excluding automobile wrecking operations as defined in this Section 225, yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation in the same premises.~~
						~~C~~	~~C~~				~~C~~	~~(p) Automobile wrecking operation; provided, (1) that there shall be sufficient working space on the property to permit proper functioning of the operation without use of any public right-of-way for storage of inoperable vehicles or parts, (2) that the operation shall be clearly separated from adjacent properties and public rights-of-way, and (3) that the operation be conducted not less than 500 feet from any R or NC District. No automobile wrecking operation lawfully existing at the effective date hereof shall be continued more than three years from said date unless a conditional use authorization for such operation has~~

													~~been granted pursuant to this Code; provided, however, that no such automobile wrecking operation eligible for governmental payments to assist relocation shall be continued more than 1½ years from said effective date unless a conditional use authorization for such operation has been granted pursuant to this Code. The term "automobile wrecking operation" as used herein shall mean the disassembling, dismantling, junking or "wrecking" of motor vehicles of any type, or the storage of such vehicles not in operable condition.~~
													~~(q) Hazardous waste facility, when conducted not less than 200 feet from any R or NC District, which shall mean all contiguous land and structures, other appurtenances and improvements on the land used for treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste that is produced at an off-site facility, but shall not include a facility that: (1) manages only used oil, used oil filters, latex paint, antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not required to obtain a hazardous waste facility permit from the State of California. The terms "hazardous waste," "treatment," "transfer," "storage," "disposal," "off site facility," and "used oil" as used herein shall have the meaning given those terms in the California Health and Safety Code, Division 20, Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.~~

~~***SEC. 226. MANUFACTURING AND PROCESSING.***~~

~~C-1~~	~~C-2~~	~~C-3-O~~	~~C-3-O (SD)~~	~~C-3-R~~	~~C-3-GS~~	~~C-3-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1-B~~	~~PDR-2~~	
		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~	~~***SEC. 226. MANUFACTURING AND PROCESSING.***~~ ~~*(a) Light manufacturing uses, involving only the assembly, packaging, repairing or processing of previously prepared materials, which are conducted within a building but do not occupy the ground story of any building; provided:*~~ ~~*(1) That no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District;*~~ ~~*(2) That the mechanical equipment required for such uses, together with related floor space used*~~

													~~primarily by the operators of such equipment, shall not in the aggregate occupy more than ¼ of the gross floor area of the building in which the uses are located; and~~
													~~(3) That no machine shall be used that has more than five horsepower capacity.~~
						~~P~~	~~P~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~	~~(b) Light manufacturing which occupies not more than ½ the ground story of the building and involves or requires no machine that has more than five horsepower capacity, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 20 feet of any R District.~~
						~~P~~	~~P~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P~~	~~(c) Light food processing for delicatessen, catering or restaurant supply, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 20 feet of any R District.~~
								~~P~~	~~P~~	~~P~~	~~P~~	~~P under~~	~~P~~	~~(d) Light manufacturing, not including any use first specifically listed below.~~

													~~5,000 gsf~~		
		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P under 2,500 gsf~~	~~P~~	~~(e) Industrial or chemical research or testing laboratory, not involving any danger of explosions.~~
		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~						~~(f) Life Science laboratory (as defined in Sections 890.52 and 890.53).~~
							~~P~~	~~P~~	~~P~~					~~C~~	~~(g) Battery manufacture, if conducted on premises not less than 200 feet from any R District.~~
								~~P~~	~~P~~	~~C~~		~~C~~		~~C~~	~~(h) Any of the following uses, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District:~~
															~~(1) Automobile assembling.~~
															~~(2) Bottling plant, brewery, dairy products plant, malt manufacturing or processing or malt products plant;~~
															~~(3) Ice manufacturing plant;~~
															~~(4) Concrete mixing, concrete products manufacture;~~
															~~(5) Electric foundry or foundry for nonferrous~~

														~~metals;~~
														~~(6) Metal working or blacksmith shop, excluding presses of over 20 tons' capacity and machine-operated drophammers.~~
														~~(7) Enameling, lacquering, wholesale paint mixing from previously prepared pigments and vehicles;~~
														~~(8) Woodworking mill, manufacture of wood fibre, sawdust or excelsior products not involving chemical processing.~~
									~~P~~	~~C~~	~~C~~		~~C~~	~~(i) Manufacture of cereals, distilled liquors, felt or shoddy, hair or hair products, pickles, sauerkraut, vinegar, yeast, soda or soda compounds, structural clay products, meat products, not including any use first specifically listed below.~~
									~~P~~	~~C~~	~~C~~		~~C~~	~~(j) Flour mill.~~
									~~P~~	~~C~~	~~C~~		~~C~~	~~(k) Sugar refinery.~~
									~~P~~	~~C~~	~~C~~		~~C~~	~~(l) Wool pulling or scouring.~~
									~~C~~	~~C~~	~~C~~		~~C~~	~~(m) Blast furnace, rolling mill, smelter.~~
									~~C~~				~~C~~	~~(n) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of paris, explosive,~~

														~~fertilizer, glue or gelatine from fish or animal refuse.~~
									~~C~~	~~C~~			~~C~~	~~(o) Production or refining of petroleum products.~~
							~~P~~	~~P~~	~~C~~			~~C~~	~~(p) Steam power plant.~~
									~~P~~			~~C~~	~~(q) Shipyard.~~
							~~P~~	~~P~~	~~N~~ ~~A~~			~~C~~	~~(r) Live storage, killing or dressing of poultry or rabbits for retail sale on the premises, if conducted on premises not less than 200 feet from any R District.~~
									~~P~~			~~C~~	~~(s) Live storage, killing or dressing of poultry or rabbits, if conducted on premises not less than 200 feet from any R District, without limitation as to nature of sale.~~
									~~C~~				~~(t) Stockyard, livestock feed yard, abattoir.~~
							~~C~~	~~C~~	~~C~~			~~C~~	~~(u) Rendering or reduction of fat, bones or other animal material, where adequate provision is made for the control of odors through the use of surface condensers and direct flame afterburners or equivalent equipment.~~
									~~C~~				~~(v) Incineration of garbage, refuse, dead animals or parts thereof.~~

									~~P~~			~~C~~	~~(w) The following uses, when conducted not less than 500 feet from any R or NC District:~~
													~~(1) Manufacture, refining, distillation or treatment of any of the following: abrasives, acid (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow), celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil paint, paper (or pulp), perfume, plastics, poison, potash, printing ink, refuse mash or refuse grain, rubber (including balata or gutta percha or crude or scrap rubber), shellac, shoe or stove polish, soap, starch, tar, turpentine, varnish;~~
													~~(2) Curing, smoking or drying fish, manufacture of fish oil;~~
													~~(3) Tanning or curing of raw hides or skins;~~
													~~(4) Foundry, structural iron or pipe works, boilermaking where riveting is involved, locomotive works, roundhouse or railroad shop.~~

~~***SEC. 226.1. CONDITIONAL USE CRITERIA FOR POWER PLANTS.***~~

~~*(a)* ***Applicability.*** *These controls shall apply to all power plants in M-1 and M-2 Zones.*~~

~~*(b)* ***Prior Nonconforming Uses.*** *Consistent with Article 1.7 of the Planning Code, nonconforming power plant uses shall require conditional use authorization in order to enlarge, intensify, or extend the use if such changes would expand a power plant use, make it more permanent, or substantially change the use. An intensification of use shall include the following changes, without limitation and in addition to the criteria set forth in Article 1.7 of the Planning Code:*~~

~~*(1) An increase in output capability by more than 10% (either an increase in capacity or increase in planned or permitted output per year);*~~

~~*(2) A change in type of fuel;*~~

~~*(3) A greater than five percent increase in the volume of monthly discharge of waste water into the sewer or into the San Francisco Bay, or an increase in the temperature of existing waste water discharges into the San Francisco Bay;*~~

~~*(4) Any increase greater than five percent in the emission rate or the total annual tons of emission for particulate precursors, ozone precursors or greenhouse gases;*~~

~~*(5) A greater than five percent increase in the volume of regulated substances used on-site on a monthly basis, or in the volume of regulated substances stored on site or in the volume of regulated substances transported to the site on a monthly basis; or*~~

~~*(6) Improvements to any power generation unit costing more than 25 percent of the assessed value of the same unit prior to improvement.*~~

~~*(c)* ***Criteria.*** *In acting on any application for conditional use authorization for a power plant forth in Article 3 of the Planning Code and, in addition, shall only approve an application for a*~~

~~*conditional use authorization if facts are presented to establish that, on the basis of the record before the Commission:*~~

~~*(1) The benefits to the City's energy system resulting from the energy generated by the proposed power plant cannot be obtained in a reasonable time from a technically and economically feasible power plant and/or energy conservation project that would have materially fewer potential environmental impacts considering, but not limited to, the following: (a) emissions of criteria air pollutants and greenhouse gas emissions; (b) stormwater and wastewater discharges; and (c) noise and vibration impacts.*~~

~~*(2) A newly proposed power plant use would not directly and adversely impact existing or reasonably foreseeable adjoining land uses, or, as applied to a prior nonconforming use, the extension of the power plant use or the increase in intensity of the use would not result in increased direct and adverse impacts on existing or reasonably foreseeable adjoining land uses; and*~~

~~*(3) Granting conditional use authorization would not reasonably be expected to leave known contamination in place in such a way that would prolong or increase public health risks associated with such contamination at levels inconsistent with a risk-based remediation consistent with the proposed power plant use; and*~~

~~*(4) Granting conditional use authorization would not reasonably be expected to preclude future redevelopment and reuse of the property for non-power plant uses.*~~

~~*(d)* **Written Findings.** *The Planning Commission shall make detailed written findings explaining the basis for its decision under this Section.*~~

~~*(e)* **Severability.** *In the event that a court or agency of competent jurisdiction holds that federal or state law, rule or regulation invalidates any clause, sentence, paragraph of this Section or the*~~

~~application thereof to any person or circumstances, it is intended that the court or agency sever such clause, sentence, paragraph or section so that the remainder of this Section shall remain in effect.~~

~~**SEC. 227. OTHER USES.**~~

~~C-1~~	~~C-2~~	~~C-3-O~~	~~C-3-O (SD)~~	~~C-3-R~~	~~C-3-G~~	~~C-3-S~~	~~C-M~~	~~M-1~~	~~M-2~~	~~PDR-1-G~~	~~PDR-1-D~~	~~PDR-1-B~~	~~PDR-2~~	
~~P*~~	~~P*~~					~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(a) Greenhouse.~~
~~P*~~	~~P*~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Urban Agriculture.~~
		~~C~~				~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(d) Public structure or use of a~~

~~P*~~	~~P*~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C~~		~~P~~	~~nonindustrial character, when in conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.~~
~~C*~~	~~C*~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~		~~C~~	~~(e) Utility installation, excluding Internet Services Exchange (see Section 227(r)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.~~ ~~(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of Supervisors under other provisions of law, and which includes:~~ ~~(1) Off-street passenger terminal facilities for mass transportation of a single or combined modes including but not limited to aircraft, ferries,~~

~~C*~~	~~C*~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~			~~P~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C~~		~~P~~

~~fixed rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar ancillary feature of a transit system; and~~

~~(2) Landing field for aircraft.~~

~~(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.~~

~~(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic signals where:~~

~~(1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the~~

~~height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; and~~

~~(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)~~

~~(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:~~

~~(1) Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject~~

~~P*~~	~~P*~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
	~~P*~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~				
~~P*~~	~~P*~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~C~~	~~C~~						~~C~~	~~C~~	~~C~~	~~C#~~	~~C#~~	~~C#~~	~~C#~~

~~site under Article 2.5 of this Code, whichever is the lesser height; or~~

~~(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or combination of C-3 and M Districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)~~

~~(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.~~

~~(k) General advertising sign, as defined and regulated by Article 6 of this Code.~~

~~(l) Access driveway to property in any C or M District.~~

~~(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.~~

									P				~~(n) Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.~~
~~SEE SECTIONS 205 THROUGH 205.2~~													~~(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (*See Section 212(a).)~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P##~~	~~P##~~	~~P##~~	~~P##~~	~~(p) Arts activities.~~
	~~P~~						~~P~~	~~P~~					~~P~~	~~(q) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(r) Internet Services Exchange as defined in Section 209.6(c).~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P under 5,000 gsf~~	~~P under 5,000 gsf~~	~~P under 2,500 gsf~~	~~P under 2,500 gsf~~	~~(s) Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section~~

										~~2,500 gsf per lot; C above~~	~~gsf per lot, and subject to controls of to Sec. 121.8~~	~~per lot; C above Sec. 121.8~~	~~gsf per lot and subject to controls of Sec. 121.8~~	~~249.35, including, but not limited to, that no new fringe financial service shall be located within a ¼ miles of an existing fringe financial service.~~
~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~NP~~	~~NP~~	~~(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas.~~ ~~(1) The S.E.W. building must meet the following additional requirements:~~ ~~(A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70);~~ ~~(B) Any retail uses are subject to any per parcel size controls of the~~

~~subject zoning district;~~

~~(C) No residential uses shall be permitted;~~

~~(D) Fifty percent of the units in the building must contain no more than 500 gross square feet each, while the remaining fifty percent of the units in the building must contain no more than 2,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in subsection (E) below~~

~~(E) An S.E.W. building may contain units larger than 2,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of this Section, a PDR use is one identified in Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p) of this Code. Such PDR units may be independently~~

~~accessible from the street.~~

~~(F) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in gross floor area of any unit shall be permitted only as long as the provisions of this subsection (D) and (E) are met. To facilitate review of any such project, all such applications will be referred to the Planning Department, and applicants are required to submit full building plans, not just the unit(s) subject to the change in floor area.~~

~~(2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after the effective date of this Section.~~

~~(3) Where permitted, S.E.W. Buildings are exempt from the controls~~

														~~in Sec. 230 limiting demolition of industrial buildings.~~
~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~P subject to controls in Sec. 890.49~~	~~P subject to controls in Sec. 890.49~~	~~NP~~	~~NP~~	~~(u) Integrated PDR, as defined in Sec. 890.49.~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~			~~C~~	~~C~~	~~(v) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia~~

	~~from one person to another. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in Section 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.~~
	~~[# Dwellings are not permitted as part of any Planned Unit Development in these districts.]~~
	~~[*See Section 212(a)]~~

SEC. 237. AUTOMOTIVE SPECIAL USE DISTRICT.

In order to provide for a major automotive area with a citywide and regional market, there shall be an Automotive Special Use District as designated on Sectional Map No. ~~2~~ SU02

of the Zoning Map *of the City and County of San Francisco*. The following provisions shall apply within such special use district:

~~(a)~~Wholesaling of automotive parts and any *A*~~a~~utomotive *U*~~u~~se, *as defined in Section 102* ~~*listed in Section 223*~~ of this Code when connected with and incidental to the sale of new or used automobiles, shall be permitted as principal uses. In addition, any *A*~~a~~utomotive *U*~~use~~ ~~*listed in Section 223*~~ that is not connected with and incidental to the sale of automobiles, and not otherwise permitted, may be permitted as a conditional use by the ~~*City*~~ Planning Commission under Section 303 of this Code.

SEC. 238. NOB HILL SPECIAL USE DISTRICT.

In order to provide for an established area with a unique combination of uses and a special identity, there shall be a Nob Hill Special Use District as designated on Sectional Map No. ~~*1*~~ SU*01* of the Zoning Map *of the City and County of San Francisco*. The following provisions shall apply within such special use district:

(a) A ~~*h*~~*H*otel, ~~*inn or hostel,*~~ as defined in *Section 102* ~~*described in Section 209.2(e)*~~ of this Code, may be permitted by the ~~*City*~~ Planning Commission as a conditional use under Section 303 of this Code.

(b) In connection with any permitted principal or conditional use located in such ~~*s*~~*S*pecial ~~*u*~~*U*se ~~*d*~~*D*istrict, incidental commercial uses may be permitted by the ~~*City*~~ Planning Commission as a conditional use under Section 303 of this Code, if designed primarily for occupants of and visitors to the use to which they are incidental, accessible to the general public only from within the building, and not identified outside the building by means of any sign or signs.

(c) A *Private Community Facility* ~~*private lodge, private clubhouse, private recreational facility or community facility other than as specified in Planning Code Subsection 209.4(a) of*~~ *as defined in Section 102 of* this Code, and *that* ~~*which*~~ is not operated as a gainful (for-profit) business may be permitted by the Planning Commission as a conditional use under Section 303 of this Code.

(d) Eating and ~~*d*~~*D*rinking uses as defined in Section *102* ~~*790.34*~~ of this Code, with the exception of *Eating and Drinking uses that are also defined as Formula Retail* ~~*large fast food restaurants as defined in Section 790.90 of this Code,*~~ may be permitted by the Planning Commission as a conditional use under Section 303 of this Code. The limitations on design, accessibility, and identification set forth in Subsection (b) above shall not apply to such uses hereby permitted.

(e) Signage for principal permitted uses or for ~~*e*~~*E*ating and ~~*d*~~*D*rinking uses within the Nob Hill Special Use District shall be limited as per ~~*Planning Code*~~ Section 606 *of this Code* with the exception that projecting signs in the form of sign copy on canopies and awnings shall be permitted for ~~*e*~~*E*ating and ~~*d*~~*D*rinking uses in lieu of wall signs unless otherwise limited as a condition of approval of a conditional use authorization.

(f) The various uses provided for in Subsections 238(a) through 238(e) above are not permitted in any portion of a building *that* ~~*which*~~ is devoted to a ~~*d*~~*D*welling ~~*u*~~*U*nit or to ~~*g*~~*G*roup ~~*h*~~*H*ousing as defined in Section *102* ~~*209.2(a)*~~ of this Code.

~~*(g) Awnings, canopies, and marquees, as regulated in Section 136.3 of this Code, shall be permitted in the Nob Hill Special Use District.*~~

SEC. 239. WASHINGTON-BROADWAY SPECIAL USE DISTRICT.

In order to provide for certain areas with special traffic and parking considerations, many existing buildings of small scale and established character *that* ~~*which*~~ have been and will be retained and converted, and certain wholesaling activities carried on with distinct benefit to the ~~*e*~~*C*ity, there shall be *a* ~~*two*~~ Washington-Broadway Special Use District, as designated on Sectional Map No. ~~*1*~~ SU01* of the Zoning Map *of the City and County of San Francisco*. The following provisions shall apply:

(a) **Required Parking.** No parking is required for any use, as provided in Section 161(d) of this Code.

(b) ***Drive-up Facilities*** ~~***Drive-in uses***~~. Drive-up *F*~~*f*~~acilities, as defined in Section *102* ~~*890.30*~~ of this Code, are not permitted.

(c) **Parking lots**. A *Public Auto* ~~*p*~~*P*arking ~~*l*~~*L*ot*, or a Public Auto Parking Garage,* shall not be permitted as a permanent use*,* ~~*and shall*~~ *A Public Auto Parking Lot may* be permitted as a temporary use for up to five years only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.

(d) **Parking Pricing.** The parking pricing requirements of Section 155(g) shall apply within the district.

SEC. 240.1. WATERFRONT SPECIAL USE DISTRICT NO. 1.

The following provisions shall apply within Waterfront Special Use District No. 1:

(a) ~~***Maritime Uses and Related***~~ **Accessory Uses** ***Related to Maritime Uses***. ~~*Maritime uses within Waterfront Special Use District No. 1 include those uses that require access to or use of San Francisco Bay waters in order to function or operate in the normal course of business, including but*~~

~~not limited to those uses associated with waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries and recreation.~~ A related minor use *that* ~~*which*~~ is identified as an acceptable, existing, or interim land use in the Waterfront Land Use Plan adopted by the Port Commission and *that* ~~*which*~~ is either necessary to the operation or enjoyment of a ~~*m*~~*M*aritime ~~*u*~~*U*se, *as defined in Section 102 of this Code,* or is appropriate, incidental, and subordinate to any such use, shall be permitted as an accessory use when located on the same lot, provided that the use does not involve the use of more than *one-third* ~~*1/3*~~ of the site area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading.

(b) Principal uses shall include:

(1) Maritime ~~*u*~~*U*ses as defined *in Section 102 of this Code* ~~*above in paragraph (a) shall be permitted as principal uses;*~~

(2) Any use *that* ~~*which*~~ is listed in ~~*the*~~ *this* Code as a permitted use in the district established by Section 201 applicable to the particular property involved shall be permitted as a principal use if the use is identified as an acceptable, existing, or interim land use in the Waterfront Land Use Plan adopted by the Port Commission.

(c) Conditional uses shall include any use *that* ~~*which*~~ is listed in ~~*the*~~ *this* Code as a conditional use in the district established by Section 201 applicable to the particular property involved, provided that the use is identified as an acceptable, existing, or interim land use in the Waterfront Land Use Plan adopted by the Port Commission. The specific use or uses requiring a conditional use within a project, and not the project in its entirety, shall be subject

to the provisions set forth in Section 303 and Article 3.5 of this Code and Subsection (d), below.

(d) Any use, other than ~~m~~*M*aritime ~~u~~*U*ses *defined* ~~described~~ in *Section 102 of this Code* ~~Subsection (b)(1) of this Section~~, *that* ~~which~~ is listed in this Code as a permitted use or conditional use in the use district established by Section 201 applicable to the particular property involved, that involves (1) new construction or (2) substantial exterior alterations visible from the street or other major public site, excluding minor changes including but not limited to maintenance, alterations, and repairs involving replacing features with similar features or adding similar features; restoration of preexisting conditions; and signs, awnings, or canopies, shall be subject to review of the urban design of the proposed use under the waterfront design review process, as provided under Section 240(c) of this Code.

(e) In considering any application in this special use district under Section 303 *of this Code*, the Planning Commission shall consider the following criteria in lieu of the criteria set forth in Section 303(c):

(1) That such use or feature as proposed is consistent with the Waterfront Land Use Plan (WLUP) adopted by the Port Commission, including any amendments thereto which the Planning Commission has found to be consistent with the General Plan;

(2) That such use or feature as proposed is consistent with the WLUP Waterfront Design and Access goals, policies, and criteria adopted by the Port Commission, including any amendments thereto which the Planning Commission has found to be consistent with the General Plan;

(3) Provision to the extent feasible, along the sea wall and along the perimeters of piers or platforms, of public access and of open spaces available for public use and suitable for viewing purposes or water-oriented recreation;

(4) Limitation of water coverage in the Northern Waterfront area from the Hyde Street Pier to Pier 46 so as not to exceed the degree of coverage by piers as existing at the effective date of this Section;

(5) Construction of new piers or platforms so that the water's edge shall be maintained at the sea wall where feasible;

(6) Provision or maintenance of view corridors along streets into the Bay, and of panoramic views, in accordance with the view policies of the Northeastern Waterfront Plan, a part of the General Plan; and

(7) Development over the water generally on piers or platforms rather than on fill.

(f) Off-street parking requirements may be modified by the Planning Department and Planning Commission, as provided in Section 161(f) of this Code.

(g) The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section 124(e) of this Code. To calculate the floor area ratio on piers under the jurisdiction of the Port Commission, all building permit applications shall include a map of the lot or lease area with precise boundaries showing its location on the pier under consideration. The proposed lot shall be reviewed and approved as part of the building permit and be the basis for further alterations or expansions of the structure.

SEC. 241. DOLORES HEIGHTS SPECIAL USE DISTRICT.

In order to preserve and provide for an established area with a unique character and balance of built and natural environment, with public and private view corridors and panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent unreasonable obstruction of view and light by buildings or plant materials, and to encourage development in context and scale with established character and landscape, there shall be a Dolores Heights Special Use District as designated on Section*al* Map No. ~~7~~ SU*07* of the Zoning Map *of the City and County of San Francisco*. In this ~~d~~*D*istrict, all provisions of the ~~City~~ Planning Code applicable in RH-1 Districts shall continue to apply except that rear yard and height limit provisions of this Section 241 shall be substituted for rear yard and height limit provisions found elsewhere in this Code.

(a) The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which building is situated, but in no case shall the rear yard be less than 25 feet deep.

(b) No portion of a building shall exceed a height of 35 feet above the existing grade of the lot, with the intent that the building shall be contained within an envelope that slopes upward or downward with the slope of the property. The "height of a building" for purposes of this Section~~,~~ shall be measured in the manner described in Section *260* ~~*102.12*~~ of ~~*the City Planning*~~ *this* Code, whether the lot being measured slopes upward or downward from the street.

(c) Variances may be granted from the rear yard and height limit provisions in Paragraphs (a) and (b) above in accordance with procedures specified in Section 305 of *this*

~~the City Planning~~ Code provided that no such variance shall permit a building to have a height in excess of that otherwise permitted in an RH-1 District.

SEC. 243. VAN NESS SPECIAL USE DISTRICT.

(a) **General.** A Special Use District entitled the Van Ness Special Use District, the boundaries of which are shown on Sectional Map No. SU02 of the Zoning Map *of the City and County of San Francisco*, is hereby established for the purposes set forth below.

(b) **Purposes.** In order to implement the objectives and policies of the Van Ness Avenue Area Plan, a part of the General Plan, which includes ~~(i)~~ *(1)* creation of a mix of residential and commercial uses on the boulevard, ~~(ii)~~ *(2)* preservation and enhancement of the pedestrian environment, (~~(iii)~~ *(3)* encouragement of the retention and appropriate alteration of architecturally and historically significant and contributory buildings, ~~(iv)~~ *(4)* conservation of the existing housing stock, ~~(v)~~ *(5)* enhancement of the visual and urban design quality of the street, and ~~(vi)~~ *(6)* the establishment of an area appropriate for a medical center use (the "Van Ness Medical Use Subdistrict") to support citywide and regional health care at the transit nexus of Van Ness Avenue and Geary Boulevard~~:~~ the following controls are imposed in the Van Ness Special Use District.

(c) **Controls.** All provisions of the ~~City~~ Planning Code applicable to an RC-4 District shall apply except as otherwise provided in this Section.

(1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the 130-foot height district and at the hospital site within the Van Ness Medical Use Subdistrict, and 4.8:1 in the 80-foot height district. These limits shall apply to dwellings notwithstanding Section 124(b) of this Code, including floor space used for nonaccessory off-

street parking, driveways, and maneuvering areas. The floor area ratio may be increased to up to 7.5:1 for a medical office building if located within the Van Ness Medical Use Subdistrict. For definitions of ~~f~~Floor ~~a~~Area ~~r~~Ratio and ~~g~~Gross ~~f~~Floor ~~a~~Area, see Section~~s~~ 102~~.11 and 102.9, respectively~~. The provisions allowing a floor area premium set forth in Section 125(a) shall not apply in the Van Ness Special Use District.

(2) **Housing Density.** The restrictions on density set forth in *the Zoning Control Tables* ~~*Sections 207, 207.1, 208, 209.1 and 209.2 of this Code*~~ shall not apply.

(3) **Height and Bulk Restrictions.** See Height and Bulk Map No. HT02. See Section 270 of this Code for bulk limits. However, medical centers within the Van Ness Medical Use Subdistrict subject to otherwise applicable standards for bulk limits per Section~~s~~ 270 and 271(c)(2) shall be permitted to exceed such standards to allow for unique massing and volume required for medical facilities, if authorized as a Conditional Use pursuant to Section 303 of this Code, in lieu of findings otherwise required under Section 271 of this Code.

(4) **Awnings, Canopies, and Marquees.** Medical centers within the Van Ness Medical Use Subdistrict subject to otherwise applicable standards for awnings per Section 136.1 of this Code shall be permitted to exceed such standards to allow for coverage of patient drop-off and entry areas.

(5) Medical Centers within the Van Ness Medical Use Subdistrict subject to otherwise applicable standards for obstructions over streets or alleys per ~~s~~Section 136(c)(1)(B) of this Code shall be permitted to exceed such standards for vertical dimensions and

horizontal projections for architectural features to provide visual interest, achieve appropriate articulation of building fa~~c~~cades, and reduce pedestrian level wind currents.

(6) **Rear Yards.** The requirements of this Code applicable to rear yards may be modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the following conditions are met:

(A) The interior block open space formed by the rear yards of abutting properties will not be adversely affected; and

(B) A comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to residents; and

(C) The access of light and air to abutting properties will not be significantly impeded.

This provision shall be administered pursuant to the procedures *that* ~~*which*~~ are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

(7) **Required Setbacks.** Setbacks for buildings exceeding a height of 50 feet shall be regulated as provided in Section 253.2 of this Code.

(8) **Limitation of Nonresidential Uses.**

(A) **Residential Uses; Ratio Established.** In newly constructed structures, nonresidential uses shall only be permitted if the ratio between the amount of net additional occupied floor area for residential uses, as defined in this paragraph below, to the amount of occupied floor area for nonresidential uses in excess of the occupied floor area of structures existing on the site at the time the project is approved is 3 to 1 or greater. In additions to existing structures *that* ~~*which*~~ exceed 20 percent of the gross floor area of the

existing structure, nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio between the amount of occupied floor area for residential use, as defined in this paragraph below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This residential use ratio shall not apply to development sites in the Van Ness Special Use District *that* ~~*which*~~ have less than 60 feet of street frontage on Van Ness Avenue and have no street frontage other than the Van Ness Avenue frontage. For purposes of this Section, "nonresidential uses" shall mean any use *not defined as a Residential Use in Section 102 and principally or conditionally permitted in the Van Ness Special Use District.* ~~*except Dwelling Uses or Group Housing).*~~

(B) **Reduction of Ratio of Residential Uses for Affordable Housing.** The Planning Commission may modify the Van Ness Special Use District residential to nonresidential use ratio between Golden Gate Avenue and California Street as a conditional use in one of the following ways:

(i) **In-Lieu Fee.** By conditional use, the developer may elect to fulfill the obligation to build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section 413 of this Code. No more than a 50 percent reduction of the required housing for a specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be determined by the following formula:

(1) (Lot Area x FAR)/4) x 3 =
Residential SQ. FT.
Requirement

(2) Residential SQ. FT.

Requirement - Residential SQ.

FT. Developed = LOSS

(3) LOSS x $15 = In-Lieu Fee

(ii) **Providing Affordable Housing.** By conditional use, the developer may reduce up to 50 percent of the required amount of on-site housing by maintaining a portion of that housing as permanently affordable for the life of the project. Affordable units shall be managed by a nonprofit housing agency through a duly executed agreement between the project sponsor, the nonprofit agency, and the Planning Department. The mix of affordable units retained in the project shall conform to the overall dwelling unit size mix of the project. The portion of retained residential *that* ~~*which*~~ shall be affordable will be determined by calculating the number of market rate units *that* ~~*which*~~ could be subsidized by the amount of "in-lieu fee" calculated in Paragraph (i) above. The number of square feet of affordable housing shall be calculated in the following manner:

(1) In-Lieu Fee $30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project

(iii) **Annual Reporting, Evaluation, and Adjustments to Affordability and Fee Calculations.** The Department shall report annually to the Planning

Commission on the activity and utilization of Section 243(~~d~~c)(8)(B). Based on an evaluation of this report, the Planning Commission may initiate a modification or deletion of Section 243(~~d~~c)(8)(B). The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall be subject to annual adjustments in accord with Section 413.6(1) of this Code. Affordability shall be defined by rents or sale prices affordable by households with no more than 80 percent of median income standards developed by HUD.

(iv) If the *Planning* Commission finds that taking into consideration projects constructed since the effective date of the Van Ness Special Use District and the housing development potential remaining in the District the overall objective of adding a substantial increment of new housing on Van Ness Avenue will not be significantly compromised, the Commission may by conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

(1) The project is to provide space for expansion of an established business from an adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent); or~~,~~

(2) The project is to provide space for an institutional, hotel, medical, cultural, or social service use meeting an important public need which cannot reasonably be met elsewhere in the area; ~~,~~ and

(3) Housing cannot reasonably be included in the project referred to in (1) and (2) above.

The Commission shall consider the feasibility of requiring the project to be constructed in such a manner that it can support the addition of housing at some later time.

* * * *

(D) **Nonconforming Uses.** A use which existed lawfully at the effective date of this Section and which fails to conform to the use limitation of Section 243(*~~d~~c*)(8)(A) above, shall be considered a nonconforming use and subject to the provisions of Sections 180 through 188 of this Code, including the provisions of Section 182 regarding change of use, except as follows:

(i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975 Building Code shall not be included; and

(ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area of the existing structure.

(E) **Demolitions.** All demolitions of buildings containing residential use and all conversions from residential uses to nonresidential uses above the ground floor shall be permitted only if authorized as a conditional use under Section 303 of this Code, unless the Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines that the building is unsafe or dangerous and that demolition is the only feasible means to secure the public safety. When considering whether to grant a conditional use permit for the demolition or conversion, in lieu of the criteria set forth in ~~*Planning Code*~~ Section 303 *of this Code*, consideration shall be given to the adverse impact on

the public health, safety and general welfare of the loss of housing stock in the ~~d~~D~~d~~istrict and to any unreasonable hardship to the applicant if the permit is denied. The definition of residential use shall be as set forth in Section 243(~~d~~c)(8)(A), but shall not include any guest room in a building classified as a residential hotel subject to the Residential Hotel Unit Conversion and Demolition Ordinance.

A ~~e~~C~~e~~onditional ~~u~~U~~u~~se ~~permit~~ authorization shall not be required if the demolition permit is sought in order to comply with a court order directing or permitting the owner to demolish a building because it is unsafe. No person shall be permitted to construct anything on the site of a demolished building subject to such an order for a period of two years unless (a) the proposal is for at least the same number and size of dwelling units and guest rooms and the same amount of nonresidential floor area as that which was demolished or (b) the applicant requests and is granted an exemption from this requirement on the ground that the applicant has demonstrated that (1) the need for demolition did not arise because of the deliberate or unreasonable neglect of the maintenance of the building, or that (2) the restrictions would cause undue hardship to the property owner or that (3) the restrictions would leave the property without any substantial remaining market value or reasonable use.

(9) **Residential Parking.** Projects with parking which exceeds the amount permitted in Section 151.1 for an RC District shall be permitted if:

(A) the project was approved prior to the effective date of this Ordinance No. 232-14;

(B) the project builds no more parking than the amount approved; and

(C) the project proceeds to construction within three years of the effective date of this Ordinance No. 232-14.

(10) **Medical Center Parking.** Notwithstanding any contrary provision of this Code, the maximum parking provisions for the Van Ness Medical Use Subdistrict shall not exceed the lesser of 990 spaces or 125~~%~~ *percent* of the minimum number of spaces required by Code in the aggregate for the Cathedral Hill Campus which, for purposes of this ~~s~~*S*ubsection, shall be the Van Ness Medical Use District and Assessor's Block 0690, Lot 016, located at 1375 Sutter Street. Any parking sought up to this maximum but that exceeds the parking provisions outlined elsewhere in this Code may only be granted by the Planning Commission as a Conditional Use ~~A~~*a*uthorization.

(11) **Medical Center Loading.** Loading standards for medical centers within the Van Ness Medical Use Subdistrict applicable under Section 154(b) *of this Code* may be reduced from the required minimum dimensions through a Conditional Use ~~A~~*a*uthorization, provided that the dimensions provided will be sufficient to meet the reasonably foreseeable loading demands associated with the proposed facility

(12) **Adult Entertainment** ***Businesses*** ~~***Enterprises.***~~ *Adult Businesses per Section 102 of this Code* ~~*The uses described in Section 221(k) of this Code*~~ are not permitted.

(13) **Entertainment Uses.** *Nighttime Entertainment and Arts Activities, as defined in Section 102* ~~*Other Entertainment Uses as defined in Section 790.38*~~ of this Code shall require notification as set forth in Section 312 of this Code.

(14) **Medical Center Street Frontages.** If authorized as a Conditional Use under Section 303 of this Code, a medical center within the Van Ness Medical Use Subdistrict

may deviate from the street frontage requirements of Section 145.1 of this Code, so long as the Planning Commission finds that the proposed street frontages otherwise achieve the intended purposes of Section 145.1 to "preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses" in the surrounding areas.

(15) **Reduction of Ground Level Wind Currents.**

(A) New buildings and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.

(B) An exception to this requirement may be permitted but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.

(i) The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.

(ii) Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 m.p.h. for a single hour of the year.

(C) For the purposes of this Section, the term "equivalent wind speed" shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

(d) **Van Ness Medical Use Subdistrict – Conditional Use for Medical Center.** Within the Van Ness Medical Use Subdistrict, the boundaries of which are shown on Sectional Map No. SU02 of the Zoning Map, medical facilities affiliated with the same institution, separated only by a street or alley, shall be considered a single medical center for purposes of this section.

~~(1)~~ The "Van Ness Medical Use Subdistrict" shall be defined as the area shown on Sectional Map *No.* SU02, to provide medical services by a licensed medical provider. The purpose of the Subdistrict is to allow for the development of a seismically compliant medical facility with unique design requirements not otherwise permitted within the Van Ness Special Use District. To the extent provided in Section 243, deviations from the controls of Section 243 shall be permitted in the Subdistrict relating to bulk, FAR, parking, loading, projections and obstructions over streets and alleys, and street frontage due to the unique requirements of new medical centers.

SEC. 247. DOWNTOWN SUPPORT SPECIAL USE DISTRICT.

(a) **Purpose.** In order to provide that a certain area within the C-3-S District be able to be developed for ~~h~~*H*otel use with an increased basic floor area ratio of 7.5 to 1, there shall be

a "Downtown Support Special Use District" (also referred to as the "C-3-S (SU) District") as designated on ~~*Zoning*~~ *Sectional* Map *SU01 of the Zoning Map*. Development at densities above the basic floor area ratio of 7.5:1 in this special use district will not be permitted.

(b) **Requirements.** The basic and maximum floor area ratio of the C-3-S (SU) District, after purchase of all market-rate, available TDR within the C-3-S District, shall be 7.5:1. Where there are fewer square feet of TDR within the C-3-S District available than the Planning Commission determines is required for a project, the Planning Commission may, as part of a Section 309 review, authorize a project sponsor to make a monetary contribution towards the preservation of a Landmark building within the C-3 area in an amount to be determined by the Commission. For purposes of this Section 247, the C-3 area shall include any C-3 District and any P District adjacent thereto. All other provisions of this Code applicable to the C-3-S District shall apply in the C-3-S (SU) District.

SEC. 248. TRANSIT CENTER C-3-O(SD) COMMERCIAL SPECIAL USE DISTRICT.

A Special Use District entitled the "Transit Center C-3-O(SD) Commercial Special Use District" is hereby established for a portion of the C-3-O(SD) district in the downtown area around the Transbay Transit Center within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. ~~1~~ SU*01* of the Zoning Map~~s~~ of the City and County of San Francisco. The following provisions shall apply within the Special Use District:

* * * *

(b) **Definition**~~s~~ *of "Commercial Use*."

~~(1)~~ "Commercial Use" shall mean any use other *than a Residential Use, as defined in Section 102 of this Code,* ~~than dwellings and other housing use~~s permitted in the underlying zoning district~~, and shall include any permitted or conditional use described in Sections 217 through 226 and shall also include hotel uses permitted as conditional uses per Sections 216(b) and 303(g)~~.

(c) **Controls.**

~~(1)~~ All new development on lots larger than 15,000 square feet in the Special Use District shall include not less than 2 gross square feet of principally or conditionally permitted commercial uses for every 1 gross square foot of dwellings or other housing uses.

(d) **Exceptions.** Exceptions to the controls in ~~s~~Subsection (c) may be granted by the Planning Commission according to the procedures in Section 309 only if the Commission makes one of the following affirmative findings:

(1) That the development consists of multiple buildings on a single lot or adjacent lots that are entitled as a single development project pursuant to Section 309, and that commercial uses account for greater than 50% *percent* of the project's aggregate total gross floor area for all buildings and where the project sponsor demonstrates that it is infeasible or impractical to construct commercial uses on the footprint of the portion of the site dedicated to dwellings and/or other housing uses due to the size and configuration of that portion of the lot; or

(2) That the footprint of the portion of the site dedicated to dwellings and/or other housing uses is less than 15,000 square feet and the lot contains existing buildings which are to be retained.

SEC. 249.1. FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE DISTRICT.

(a) **Purpose.** In order to convert an under-utilized and outmoded industrial area to a unique residential neighborhood close to downtown which will contribute significantly to the City's housing supply, create tapered residential buildings, provide an appropriate mixture of retail sales and personal services to support new residential development, provide a buffer of office and parking use between the bridge and freeway ramps and the housing sites, and allow the existing industrial, service and office uses to remain, there shall be the Folsom and Main Residential/Commercial Special Use District as designated on Sectional Map *No.* ~~1~~SU*01* of the Zoning Map *of the City and County of San Francisco*.

(b) **Controls.** The following zoning controls are applicable in the Residential/Commercial Special Use District.

* * * *

(2) **Uses.**

(A) Permitted uses are ~~*(i) those listed in Sections 209.1 and 209.2 of this Code and (ii)*~~ those permitted in an RC-4 District, plus the uses listed in ~~s~~*S*ubsection (e)(1)(B) below; provided that, for newly constructed buildings or additions of *20* ~~*twenty*~~ percent ~~*(20%)*~~ or more of an existing building's gross floor area, at least six net square feet of residential use is provided for each one net square foot of non-residential use on any lot. Additions of less than *20* ~~*twenty*~~ percent ~~*(20%)*~~ of a building's gross floor area are exempt from the six to one residential requirements. Once granted, this exemption from the residential development requirement for building additions may not be repeated for any single property. Any addition of

more than *20* ~~twenty~~ percent ~~(20%)~~ of gross square feet of building area shall be required to provide the housing on a ~~6 to 1~~ *six-to-one* basis for all of the additional building area. All areas used for parking for either residential or non-residential uses shall be excluded in the calculation of the residential/non-residential ratio. For the purposes of application of this 6 to 1 ratio, ~~h~~*H*otels~~, inns or hostels~~ as defined under Section *102* ~~209.2(d) and (e)~~ shall be considered a non-residential rather than a residential use.

(B) The use provisions applicable to an RC-4 District shall be applicable to the "Residential/Commercial" Subdistrict with the following modifications or additions:

(i) all uses *defined as Institutional uses* ~~listed~~ under Section *102* ~~209.3 ("Institutions")~~ shall be permitted as of right as principal uses;

~~(ii) all uses listed under Section 209.4 ("Community Facilities") shall be permitted as of right as principal uses;~~

(ii) ~~(iii)~~ *Utility Installation uses,* ~~utility uses listed~~ *defined* in Section *102* ~~209.6,~~ shall be permitted as conditional uses, with such utility uses to include telecommunications and internet communication co-location, web-hosting and other similar facilities, provided such uses are primarily conducted within enclosed buildings;

(iii) ~~(iv)~~ *Automotive uses, as defined in Section 102* ~~in lieu of Section 209.7, automotive uses shall be those permitted in Section 223(a), Section 223(m) (except that such use~~ shall be permitted as a principal use for only five (5) years after the construction of the building, after which a ~~c~~*C*onditional ~~u~~*U*se authorization shall be required~~)~~, and *Private Auto Parking Lots, as defined in Section 102 of this Code* ~~Section 223(p) (except that such parking lot~~ shall be a conditional use limited to two years per each conditional use authorization~~)~~;

(iv) ~~(v) Section 209.8 shall not be applicable;~~ *Planned Unit Developments, Arts Activities, and Mortuaries, as defined in Code Section 102, are not permitted.*

(v) ~~(vi)~~ all *Retail Sales and Service uses* ~~*listed in Section 218*~~, *as defined in Section 102 of this Code,* shall be permitted as of right as principal uses;

(vi) ~~(vii)~~ *Office Uses* ~~*all uses listed in Section 219(c)*~~ shall be permitted as of right above the ground floor or below the ground floor, and ~~*all office uses listed in Section 219(c) shall*~~ *require conditional use authorization* ~~*be permitted*~~ on the ground floor ~~*as conditional uses*~~;

(vii) ~~(viii)~~ *Trade Shops and Catering uses* ~~*all uses listed in Section 222*~~ shall be permitted as of right above or below the ground *floor* ~~*level*~~, and shall *require* ~~*be*~~ ~~*c*~~*C*onditional ~~*u*~~*U*se~~*s*~~ *authorization* at the ground *floor;*

(viii) ~~(ix)~~ *Movie Theaters, Nighttime Entertainment and General Entertainment* ~~*all*~~ uses ~~*listed in Section 221(a) (f)*~~ shall be permitted as of right as principal uses;

(ix) ~~(x)~~ *Animal Hospital* ~~*all uses listed in Section 224(a)*~~ shall be permitted as conditional uses;

(x) ~~(xi)~~ *Wholesale Establishment* ~~*all uses listed in Section 225(b)*~~ shall be permitted as of right as principal uses;

(xi) ~~(xii)~~ *Light Manufacturing* ~~*all uses listed in Section 226(a)*~~ shall be permitted as of right as principal uses;

(xii) ~~(xiii)~~ ~~*commercial w*~~*W*ireless *f*~~*F*~~acilities ~~*as per Section 227(h) or (i)*~~ shall be permitted as conditional uses;

(xiii) ~~*(xiv)*~~ *Internet Service Exchanges* ~~*all uses listed in Section 227(r)*~~ shall be permitted as of right as principal uses.

(C) A nonconforming use may be changed to any equally or more conforming use without providing the 6 to 1 ratio of required residential space.

(D) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in the Residential/Commercial Subdistrict which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(3) **Density.**

(A) **Residential Density.** There shall be no density limit for residential uses in the Residential/Commercial Subdistrict. The provisions of Sections 207.1 and 208 related to residential density shall not apply.

(B) **Non-residential Density.** There shall be a density limit for non-residential uses, which shall be measured as a Floor Area Ratio (FAR), as defined by Section ~~*102.9, 102.10, 102.11 and 124*~~ *102* of this Code. The maximum nonresidential FAR for newly constructed buildings or additions of *20* ~~*twenty*~~ percent ~~*(20%)*~~ or more of an existing building shall be 0.75. Otherwise the FAR for the Residential/Commercial Subdistrict shall be *five-to-one* ~~*5 to 1*~~. The provisions of Section 123, 124, 125 and 127 relating to Floor Area Ratio shall apply.

(C) Area used for parking for ~~c~~Commercial ~~uses~~ or ~~r~~Residential uses including parking permitted as of right or by conditional use shall not be considered as commercial FAR.

(4) **Open Space.**

(A) Open space shall be provided at the ratio of thirty-six net square feet of open space for each ~~d~~Dwelling ~~u~~Unit if all private, with a ratio of 1.33 of common usable open space that may be substituted for private; open space shall be provided at the ratio of one square foot of open space per 50 square feet of gross floor area for all other uses.

(B) The open space requirement for ~~r~~Residential use may be met by providing one or more of the following types of open space: private usable open space as set forth below; common open space, including an unenclosed park or plaza at grade or above, or an enclosed or partly enclosed pool or a health club, accessible to residents and guests of residents and not to the general public, and "publicly accessible open space" as set forth in C)(i) below. Where any publicly accessible open space is used to satisfy the open space requirements for both ~~r~~Residential and non-residential use, the open space area must be of an area at least equal to the sum of the separate open space requirements to be satisfied by that open space. Up to ~~forty~~ 40 percent ~~(40%)~~ of the open space requirement for residential uses may be met by providing private open spaces, provided that any such private open space counted toward a portion of the open space requirement has a minimum area of 36 square feet, with a minimum dimension of four feet in any direction.

(C) The open space requirement for non-residential uses shall be met by providing "publicly accessible open space," which is defined as open space situated in such

locations and which provides such ingress and egress as will make the area accessible to the general public and which is open to the public daily for at least twelve daylight hours.

(i) Publicly accessible open space. One or more of the following types of open space shall satisfy the definition of publicly accessible open space:

(AA) An unenclosed park or garden at grade or above;

(BB) An unenclosed plaza with seating areas and landscaping and no more than 10 ~~ten~~ percent ~~(10%)~~ of the floor area devoted to food or beverage service;

(CC) An enclosed pedestrian pathway, which extends through the building, which is accessed from a public street at grade, which is landscaped and has access to natural light and ventilation, and in which retail space may face the pedestrian path inside the building provided that no more than 20 ~~twenty~~ percent ~~(20%)~~ of the floor area of the required open space may be devoted to seating areas within the pedestrian path;

(DD) A sun terrace or solarium with landscaping;

(EE) Sidewalk widening following a regular pattern of setbacks;

(FF) A recreation facility on the roof of a parking garage;

(GG) An unenclosed pedestrian street that traverses a large block in an east-west direction;

(HH) A publicly-accessible area with a scenic overlook;

(II) A publicly-accessible area within 900 feet of the site;

(JJ) Streetscapes on surrounding streets, as approved by the Planning Department; or

(KK) Other similar open space features as more particularly defined in the Recreation and Open Space Section of the Rincon Hill Plan, a part of the General Plan. If a sidewalk widening is used to meet the open space requirement, the Planning Commission shall require approval of the open space proposal by the Department of Public Works prior to Planning Commission approval of the project.

(ii) The required publicly accessible open space shall, as determined by the Zoning Administrator:

(AA) Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;

(BB) Be appropriately landscaped;

(CC) Be accessible to public water and toilet facilities;

(DD) Be protected from uncomfortable winds;

(EE) Incorporate ample seating and, if appropriate, access to limited amounts of food and beverage service, which will enhance public use of the area;

(FF) Be well signed and accessible to the public during daylight hours;

(GG) Have adequate access to sunlight if sunlight access is appropriate to the type of area;

(HH) Be well lighted if the area is of the type requiring artificial illumination;

(II) Be designed to enhance user safety and security;

(JJ) Be of sufficient size to be attractive and practical for its intended use; and

(KK) The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. The Zoning Administrator shall have authority to require a property owner to hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction or maintenance of open space, and to require the owner or owners or subsequent owner or owners of the property to be solely liable for any damage or loss occasioned by an act or neglect in respect to the design, construction or maintenance of the open space.

(D) The provisions of Section 135 concerning usable open space shall not apply.

(5) **Parking Requirements.** Parking requirements in the Special Use District shall be those of a Downtown Residential (DTR) District, as defined in Section 151.1 of this *e*Code.

(6) **Street-Facing Use Requirements.**

(A) Ground floor retail space (including personal service and restaurants) and space devoted to building and pedestrian circulation is required along the street frontage for a minimum of *50* ~~*fifty*~~ percent ~~*(50%)*~~ of the street frontage; exceptions to this standard may

be granted administratively by the Zoning Administrator if (s)he deems the exception to provide a more attractive, usable and visually interesting pedestrian streetscape.

(B) Uses along a street frontage at grade level shall be visually interesting and attractive to pedestrians. Curb cuts shall be minimized. No parking ingress or egress shall be permitted that would disrupt or delay transit service.

(7) **Site Coverage.** There shall be no limit on site coverage. One hundred percent ~~(100%)~~ site coverage shall be permitted.

(8) **Dwelling Unit Exposure.** In light of the high-density nature of the Residential/Commercial Subdistrict, the dwelling unit exposure requirements of Section 140 shall not apply.

(9) **Height and Tower Separation Standards.**

(A) There shall be an 85-foot maximum height for the podium/base of a building.

(B) There shall be an overall height limit of 400 feet in the Residential/Commercial Subdistrict.

(C) There shall be a 50 foot minimum tower height differential between towers on the same development site.

(D) In the Residential/Commercial Subdistrict, there shall be a minimum 82 1/2 foot separation between towers.

(E) All space above the 200-foot height level shall be devoted to residential use.

(10) **Bulk Standards.** The Residential/Commercial Subdistrict shall be subject to "W" Bulk District controls, as follows:

(A) Base (0 - 85 feet): Unlimited. The site coverage limitations of Section 249.1(b)(1) shall not apply.

(B) (i) Buildings over 85 in height, but less than 300 feet in height, shall be limited to a maximum plan length of 100 feet and a maximum diagonal length of 125 feet.

(ii) Buildings over 300 feet in height shall not exceed a maximum plan length of 115 feet and a maximum diagonal length of 145 feet.

(iii) Minor increases in Plan length for the purposes of improved design may be approved pursuant to Section 271.

(C) A 10% *percent* volume reduction is required for the upper tower of any building that is 300 feet in height or taller. The upper tower is defined as the top one-third portion of a free standing tower; for a tower that sits atop a podium or base, the upper tower is defined as the top one-third of the height of the tower as measured from the top of the podium or base.

(D) **Folsom Street Setback:** Above the 85 foot base, at least 50% *percent* of the entire Folsom Street frontage shall be set back a minimum of 12½ feet. No setback will be required for any portion of the frontage occupied by a tower with a height in excess of 85 feet, unless that tower or towers occupies more than 50% *percent* of the total Folsom Street frontage.

(E) The floor plates on either tower shall not exceed an average of 11,000 gross square feet over the entire tower.

SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.

(a) **General.** A special use district entitled the "North of Market Residential Special Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on Sectional Map No. ~~*1SUb*~~ *SU01* of the Zoning Map *of the City and County of San Francisco*, is hereby established for the purposes set forth below.

* * * *

(c) **Controls.** The following zoning controls are applicable in the North of Market Residential Special Use District. Certain controls are set forth in other Sections of this Code and are referenced herein.

(1) **Conditional Use Criteria.** In making determinations on applications for ~~c~~Conditional ~~u~~Use authorizations required for uses located within the North of Market Residential Special Use District, the Planning Commission shall consider the purposes as set forth in Subsection (b) above, in addition to the criteria of Section 303(c) of this Code.

(2) Notwithstanding *the Zoning Control Table for RC Districts found in Section 209.3* ~~*provisions of Section 209.8*~~ of this Code, commercial establishments shall be limited to the ground floor and the first basement floor, except that such establishments may be permitted on the second story as a conditional use if authorized pursuant to Section 303 and Section 249.5(c)(1) of this Code.

(3) The following uses are not permitted:

(A) A ~~*H*~~hotel~~*, inn, hostel*~~ or ~~*M*~~motel; and

(B) *M*~~m~~assage *E*~~e~~stablishments which are not incidental to *Hospitals, Residential Care Facilities, Health Services, and Social Service or Philanthropic Facility uses* ~~*the institutional uses permitted in Sections 217(a) through (d) of the Planning Code*~~ or are not incidental to a health club, gymnasium or other facility with a regular membership or other facility which is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or other similar physical activities.

(4) In the portion of the area designated as Subarea No. 1 of the North of Market Residential Special Use District, as shown on Section Map ~~*1SUb*~~ *No. SU01* of the Zoning Map, the density ratio shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2, as shown on Section Map ~~*1SUb*~~ *No. SU01* of the Zoning Map, the density ratio shall be one dwelling unit for each 200 feet of lot area. The double density provision~~s~~ *for Senior Housing, as defined in Section 102,* ~~*of Section 209.1(m)*~~ shall not result in greater density than that permitted in an RC-4 District.

(5)~~ *There are no minimum parking requirements in this Special Use District, as provided in Section 161(h) of this Code.*~~

~~*(6)*~~ A bulk district "T" shall apply pursuant to the provisions of Section 270, Table 270 of this Code.

(6) ~~*(7)*~~ Special exceptions to the 80-foot base height limit in height and bulk districts 80-120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

(7) ~~*(8)*~~ Building setbacks are required in this district pursuant to Section 132.2; provisions for exceptions are also set forth in Section 132.2 of this Code.

(8) ~~(9)~~ Exceptions to the rear yard requirements for an RC-4 District may be granted pursuant to Section 134(g) of this Code.

~~(10) Awnings, Ccanopies and Mmarquees, as defined in Sections 102 790.20, 790.26 and 790.58 of this Code, and further regulated by the Building Code and Sections 249.5(c)(12), 136.2 and 607.4 of this Code are permitted.~~

~~(11) Signs located in the RC-4 portion of this district shall be regulated as provided in Section 607.4 of this Code.~~

(9) ~~(12)~~ All provisions of the ~~City~~ Planning Code applicable in an RC-4 Use District shall apply within that portion of the district zoned RC-4, except as specifically provided above. All provisions of the ~~City~~ Planning Code applicable in a P Use District shall apply within that portion of the district zoned P, except as specifically provided above.

(10) ~~(13)~~ All demolitions of buildings containing residential units shall be permitted only if authorized as a conditional use under Section 303 of this Code, unless the Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines that the building is unsafe or dangerous and that demolition is the only feasible means to secure the public safety. When considering whether to grant a conditional use permit for the demolition, in lieu of the criteria set forth in ~~City~~ Planning Code Section 303(c), consideration shall be given to the purposes of the North of Market Residential Special Use District set forth in Section 249.5(b), above, to the adverse impact on the public health, safety and general welfare due to the loss of existing housing stock in the district and to any unreasonable hardship to the applicant if the permit is denied. Demolition of residential hotel units shall also comply with the provisions of the Residential Hotel Ordinance.

(d) **Liquor Establishments.** In addition to all other applicable controls set forth in this Code, Liquor Establishments in the North of Market Residential Special Use District shall be subject to the controls set forth in this Section.

* * * *

(4) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to prohibit the following:

(A) Temporary uses, as described in Planning Code Section 205.1; or

(B) Establishment of an Off-Sale Liquor Establishment if application for such Off-Sale Liquor Establishment is on file with the California Department of Alcoholic Beverage Control prior to the effective date of this legislation; or

(C) Re-location of an existing Off-Sale Liquor Establishment in the North of Market Residential Special Use District to another location within the North of Market Residential Special Use District with conditional use authorization from the ~~City~~ Planning Commission, provided that (i) the type of California liquor license does not, change, (ii) the square footage used for the display and sale of alcoholic beverages does not increase, and (iii) the original premises shall not be occupied by an Off-Sale Liquor Establishment unless by another Off-Sale Liquor Establishment that is also relocating from within the North of Market Residential Special Use District. Any such conditional use authorization shall include a requirement that the establishment comes with the "Good Neighbor Policies" set forth in Subsection (d)(6) below; or

(D) A change in liquor license from a Type 21 (Off-Sale General) to a Type 20 (Off-Sale Beer and Wine), provided that the square footage used for the display and sale of alcoholic beverages does not increase.

* * * *

(7) For purposes of this Section, the following definitions shall apply:

(A) "Liquor Establishment" shall mean any enterprise selling alcoholic beverages pursuant to a California Alcoholic Beverage Control Board license.

(B) "Off-Sale Liquor Establishment" shall mean *a Liquor Store, as defined in Section 102* ~~any establishment that is defined in Section 790.55~~ of this Code.

(C) "Alcoholic Beverages" shall mean "alcoholic beverages," as defined by California Business and Professions Code Sections 23004 and 23025;

(D) "Sell" or "Sale" shall mean and include any retail transaction whereby, for any consideration, an alcoholic beverage is transferred from one person to another.

* * * *

SEC. 249.13. GEARY BOULEVARD/DIVISADERO STREET SPECIAL USE DISTRICT.

(a) **General.** A Special Use District entitled the Divisadero Street/Geary Boulevard Special Use District, consisting of Lots 5, 5A, 6, 7, 8, 9, 9A, 10, 11 and 12 of Assessor's Block 1079 is hereby established for the purposes set forth below.

(b) **Purposes.** The following controls, imposed in the Geary Boulevard/Divisadero Street Special Use District, will advance the policies of the Commerce and Industry Element of the City's *General* ~~*Master*~~ Plan in that they will encourage the expansion of needed health services, yet manage such expansion ensuring the preservation and integrity of residential

neighborhoods in the City, and will promote the provision of adequate health services to all geographical districts and cultural groups within the City.

(c) **Controls.** The specific controls set forth herein shall apply only to the development of out-patient facilities affiliated with and operated by a health maintenance organization solely for the benefit of its members. Any development which does not meet the purposes set forth herein shall be governed by the underlying zoning controls.

(1) **Design Review By Planning Commission.** An applicant submitting an application for a proposed development and use pursuant to this Section shall be required to submit an application for design review by the Planning Commission. The design review application may be submitted concurrently with or before a building permit application.

(2) **Fees.** In addition to the building permit review fee set forth in Section 352, the project sponsor shall pay a fee of fifteen thousand dollars ($15,000.00) per application to compensate the ~~*Department of City*~~ Planning *Department* for compliance with this Section.

(3) **Principal Permitted Uses.** Ground floor uses shall be limited to those set forth for NC-3 Districts. Upper floor uses shall be limited to out-patient facilities, including physicians' offices needed to providing preventive health-care, and accessory administrative uses affiliated with and operated by a health maintenance organization, provided however that the accessory administrative use shall not occupy more than 15% *percent* of the floor area subject to the floor area ratio. For the purposes of interpreting "out-patient facilities" under this section, such facilities shall not be deemed an office use subject to the provisions of Sections 309 through 325 et seq.

(4) **Basic Floor Area Ratio.** The basic floor area ratio shall be six (6) to one (1). The *definitions for* ~~*provisions of Sections 102.9 and 102.10 defining*~~ ~~g~~Gross ~~f~~Floor ~~A~~area *and Occupied Floor Area in Section 102 of this Code* shall be used for calculating the floor area ratio. In addition to the floor area excluded from the floor area ratio calculation set forth *in the definitions for Gross Floor Area (Subsections* ~~*Sections 102.9*~~ (b)(1) through ~~*102.9*~~(14) inclusive*)*, and *Occupied Floor Area* ~~*Section 102.10*~~, dwelling units and other residential uses as defined in this *Section 249.13* ~~*ordinance*~~ shall be exempted from the floor area calculation.

(5) **Dwelling Unit Density and Residential Use.** The dwelling unit density shall be governed by the underlying zoning classification as set forth in *the Zoning Control Table for the district in which the lot is located* ~~*Sections 207, 207.1, 209.1 and 209.2 of this Code*~~. For the purposes of this section, residential use shall include rooms or beds used by out-patients receiving medical treatment at the health maintenance organization, including but not limited to patients receiving treatment at the AIDS infusion center, or receiving chemo-therapy treatment, regardless of the length of stay of such out-patients.

(6) **Height And Bulk Restrictions.** The applicable Height and Bulk for this Special Use District shall be 105-X.

(7) **Rear Yards.** The requirements of this Code applicable to rear yards and applicable to dwelling units or other residential use may be modified by the Planning Commission as part of the design review, if all of the following conditions are met:

(A) The interior block open space formed by the rear yards of the abutting properties will not be adversely affected;

(B) A comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents; and

(C) The access to light and air for abutting properties will not be significantly impeded.

(8) **Required Setbacks.** The Planning Commission may impose a side setback of up to 15 feet above the building height of 65 feet if it determines that this requirement is necessary to achieve a superior architectural design.

(9) **Demolitions.** Demolition of any building containing residential uses and any conversion from residential to non-residential uses above the ground floor shall be permitted provided that the notice and relocation assistance provisions of Chapter 37 of the San Francisco Administrative Code (The San Francisco Residential Rent Arbitration and Stabilization Ordinance) are met.

If the Commission determines, during its design review, that the public benefits to be gained do not outweigh the adverse impacts from the demolition of the residential units, the Commission may impose conditions to reduce such adverse impact. The conditions may require that the applicant pay to the City Controller the sum of one hundred thousand dollars ($100,000.00) to mitigate the loss of housing units. Said amount paid to the City shall thereafter be used exclusively for the development of housing affordable to individuals or households with income not to exceed 80% *percent* of the median income of the San Francisco Standard Metropolitan Areas as defined by HUD.

(10) **Parking.** One (1) off-street parking space for every 500 square feet of occupied floor area of out-patient facility space and accessory use space shall be provided.

The provisions of Section 151 of this Code shall govern off-street parking requirements for all other allowable uses in this Special Use District. The Planning Commission may reduce the off-street parking requirement if it finds that all or part of the off-street parking requirement is provided by existing off-street parking serving the health maintenance organization, and that such off-street parking is located within one block of the Special Use District.

(11) **Appeal.** The decision of the Planning Commission may be appealed to the Board of ~~*Permit*~~ Appeals within fifteen (15) days after action by the Planning Commission on the design review application. The procedure for appeal shall be as described in Section 308.2. The decision of the Planning Commission, or that of the Board of ~~*Permit*~~ Appeals on appeal shall constitute a final determination on all land use and Planning Code issues, except for review by a court of competent jurisdiction. Review by the Board of ~~*Permit*~~ Appeals on the issuance of a building or site permit for a proposed structure for this Special Use District shall be limited to issues arising out of the San Francisco Building Code, Health Code and Fire Code.

SEC. 249.14. THIRD STREET SPECIAL USE DISTRICT.

(a) **Purpose.** There shall be a special use district known as the Third Street Special Use District, as designated on Sectional Map No. ~~*10*~~SU*10* of the Zoning Map of the City and County of San Francisco, encompassing the commercially and industrially zoned property fronting Third Street from *Cesar Chavez* ~~*Army*~~ Street to Meade Avenue. The purpose of this special use district is to enhance the social and economic vitality of Third Street as the primary neighborhood commercial district for the Bayview Hunters Points area and encourage

a healthier mix of essential neighborhood-serving retail uses and by allowing for drive-up facilities as a conditional use.

(b) **Controls.**

(1) A *Restaurant or a Limited Restaurant, as defined in Section 102 of this Code,* ~~*large fast-food restaurant or a small self-service restaurant*~~ may have a drive-up facility only with conditional use authorization by the ~~*City*~~ Planning Commission. In addition to the conditional use criteria set forth in Section 303, the Commission shall find that:

(A) The restaurant does not form a part of any continuous retail frontage (defined for purposes of this ~~s~~Subsection as two or more buildings which contain commercial uses and which have a continuous fa~~c~~çade line at street level unbroken by any driveway, alley or walkway having a width greater than five feet;

(B) The restaurant is located on a lot that:

(i) Adjoins three city streets,

(ii) Is not within 500 foot walking distance of an elementary or secondary school; and

(C) The restaurant has sufficient off-street queuing space for at least eight cars and has off-street parking as required in Article 1.5 of this Code; and

(D) The proposed building massing and site planning is designed to complement the urban character of the street and respect pedestrian access along Third Street; and

(E) To the extent feasible, the project provides for additional residential development and/or other land use activities on the site.

SEC. 249.18. NORTHEAST CHINA BASIN SPECIAL USE DISTRICT.

A Special Use District entitled the "Northeast China Basin Special Use District," the boundaries of which are shown on the Zoning Map, is hereby established for the purposes set forth below. The following provisions shall apply within the Northeast China Basin Special Use District:

* * * *

(b) **Controls.**

(1) **General.** The provisions of the M-2 use district established by Section 201 of this Code shall prevail except as provided in paragraphs (2) through (4) below.

(2) **Conditional Uses.** An open-air ballpark with a maximum seating capacity of 45,000, *Sports Stadium as defined in Section 102 of this Code* ~~*assembly and entertainment uses under Section 221 of this Code*~~, with associated parking, and various uses accessory to or related to ballpark and assembly and entertainment uses, including sports clubs, restaurants, and retail shops, shall all be permitted as conditional uses.

(3) **Parking.** In recognition of the public transit anticipated to be available to serve a ballpark in the proposed location, in recognition of the large supply of parking in the vicinity, much of which can be made available for ballpark use in the evening and on weekends, and in recognition of the availability of approximately 5,000 off-site parking spaces near the ballpark during the first five years of the ballpark's operation, there shall be no minimum requirement for off-street parking spaces for the uses permitted in the Northeast China Basin Special Use District. This provision supersedes the parking requirements set forth in Section 151 of this Code applicable to the permitted uses set forth herein.

(4) **Architectural Design.** In recognition of the prominence of the location and vital importance of the uses described in ~~s~~Subsection (b)(2) above, such uses shall be subject to conditional use review and approval by the ~~City~~ Planning Commission. A conditional use may be authorized by the ~~City~~ Planning Commission if the facts presented are such to establish that the architectural design of the structure is appropriate for its intended use, location and civic purpose. This criterion shall be in lieu of the criteria set forth in Section 303(c)(1) through (4) of this Code.

~~***SEC. 249.20. SCOTT STREET SENIOR HOUSING SPECIAL USE DISTRICT.***~~

~~*In order to provide for housing for seniors, there shall be a Scott Street Senior Housing Special Use District, consisting of Lots 15, 18, 19, 22, 29A, 29B, 38 and 40 of Assessor's Block 681, as designated on Sectional Map 2SU of the Zoning Map. The following provisions shall apply within such special use district:*~~

~~*(a) Any developer of housing who (i) agrees to construct at least 50 percent of the total dwelling units of a housing development for occupancy by at least one person 62 years of age or older, and (ii) intends and operates 100 percent of the housing development for occupancy by persons 55 years or older, shall be entitled to a density bonus upon approval by the Planning Commission as a conditional use under Section 303 of this Code. Section 249.20(a)(ii) means that the housing development has at least 80 percent of the total occupied dwelling units occupied by at least one person 55 years of age or older and adheres to policies which demonstrate an intent to house older persons.*~~

~~*(b) For purposes of this Section, the following definitions shall apply:*~~

~~*(1) "Density bonus" shall mean:*~~

~~(A) A density increase of up to 34 dwelling units in addition to the number of dwelling units otherwise allowable in the underlying districts; provided that:~~

~~(i) All density bonus units shall be seniors units; and~~

~~(ii) Cooking facilities in all density bonus units shall be limited to microwave ovens, refrigerators and full-sized sinks.~~

~~(B) The relocation, within a housing project in the special use district, of any portion of the maximum allowable residential density, including the density bonus provided under Subsection (b)(1)(A), between the area of the project site zoned NC-3 and the area of the project site zoned RH-3.~~

~~(2) "Housing development" shall mean 35 or more dwelling units.~~

~~(c) In this special use district, all applicable provisions of the Planning Code shall continue to apply, except as otherwise provided in this Section 249.20.~~

~~(d) In this special use district, a modification to or exception from otherwise applicable requirements of this Code may be appropriate in order to further the goal of creating senior housing. A conditional use approval for a development subject to this Section may modify or grant the following exceptions from or modifications to the requirements of this Code, if the facts presented are such as to establish that the modification or exception satisfies the criteria of Subsections 303(c)(1) through 303(c)(3) of this Code:~~

~~(1) A modification of or exception to the front setback requirements of Section 132 of this Code;~~

~~(2) A modification of or exception to the rear yard requirements of Section 134 of this Code;~~

~~(3) A modification of or exception to the unit exposure requirements of Section 140 of this Code;~~

~~(4) A modification of or exception to the parking requirements of Section 151 of this Code;~~

~~(5) A modification of or exception to the off-street loading requirements of Section 152 of this Code;~~

~~(6) A modification of or exception to the use limitations of Section 209 of this Code to permit office (including but not limited to social service) uses in the RH-3 area;~~

~~(7) A modification of or exception to the height limitations of Section 260(b)(1)(B) of this Code pertaining to elevator penthouses; and~~

~~(8) A modification of or exception to the open space requirements of Section 135 of this Code.~~

~~(e) In evaluating a conditional use application to grant a density bonus or exceptions to the Planning Code pursuant to this Section, the Planning Commission shall consider the extent to which the dwelling units of a proposed housing development would be affordable.~~

~~(f) The controls of this Section shall remain in effect until December 31, 2005.~~

SEC. 249.21. CALIFORNIA STREET AND PRESIDIO AVENUE - COMMUNITY CENTER SPECIAL USE DISTRICT.

A Special Use District entitled the "California Street and Presidio Avenue - Community Center Special Use District" (also referred to as the "California-Presidio Special Use District") the boundaries of which are shown on Section*al* Map No. ~~3~~SU*03* of the Zoning Map *of the City and County of San Francisco*, is hereby established for the purposes set forth below.

(a) **Purposes.** *The purpose of this Special Use District is* ~~T~~to provide for the development of a Community Facility*, Child Care Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service or Philanthropic Facility or a Residential Care Facility* ~~*or Other Institution, Large,*~~ on a site that is currently split-zoned, which will serve both the immediate neighborhood and the larger San Francisco community, with related educational, cultural, social and recreational uses, including, but not limited to, retail sales, eating and drinking facilities and parking.

(b) **Controls.** All provisions of the Planning Code currently applicable to the RM-1 District and Sacramento Street Neighborhood Commercial District ("Sacramento NCD") portions of the California-Presidio Special Use District shall continue to apply to those portions of the site, except as otherwise provided in this Section 249.21.

(1) **Permitted Uses.** The following uses (including, without limitation, all uses which are principal permitted uses in RM-1 and Sacramento NCD Districts) shall be permitted as principal uses in this Special Use District:

Community Facility*, Child Care Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service or Philanthropic Facility or a Residential Care Facility* ~~*or Other*~~

~~Institutions, Large~~, which may include, but are not limited to, theatre, auditorium, performance, and meeting space, classrooms, art activities, including but not limited to, dance and music studios, health club, fitness center and related uses, including , but not limited to, aerobics and cardiovascular areas, gymnasium, pools, spa and other uses incidental thereto, social services, youth and day camp, teen programs, ~~e~~Eating and ~~d~~Drinking uses (as defined in Section 102 ~~790.34~~ of this Code, with the exception of Eating and Drinking uses that are also defined as Formula Retail ~~large fast-food restaurants as defined in Section 790.90 of this Code~~), Arts Activities, Nighttime Entertainment ~~other entertainment uses (as defined in Section 790.38 of this Code)~~, on-site catering, child-care, retail, roof top recreation (including, but not limited to, basketball courts, play structures and other related uses), rooftop garden and parking. Such uses shall not be limited by story and may serve both the immediate neighborhood and the larger San Francisco community. The permitted hours of operation of commercial establishments shall be from 5 a.m. to 12 a.m.; any extended hours will require conditional use authorization pursuant to ~~s~~Subsection (b)(2) hereunder.

(2) **Conditional Uses.** The Planning Commission may authorize the following uses within the California-Presidio Special Use District as a conditional use in accordance with the requirements of Section 303 of this Code:

(A) ~~(i)~~ Any principally permitted use under Subsection (b)(1) above where the total floor area exceeds 130,000 gross square feet of floor area, excluding all parking and loading areas, including driveways and maneuvering areas incidental thereto, located entirely below curb level at the center line of the building along its California Street frontage.

(B) ~~(ii)~~ Any use not authorized as a principal permitted use in Subsection (b)(1) which is allowed as a conditional use in either the RM-1 or Sacramento NCD Districts.

(3) **Conditional Use and Architectural Design Review by Planning Commission.** Any application for any new structure, or significant enlargement of any existing structure to house a use permitted within the California-Presidio Special Use District shall be subject to conditional use review and approval by the Planning Commission in accordance with the requirements in this *s*Subsection (b)(3). The Planning Commission shall approve such application if it finds that the proposed project:

(A) ~~(i)~~ Meets the height, bulk, floor area limitation, parking standards and other standards or requirements of the California-Presidio Special Use District set forth below,

(B) ~~(ii)~~ Is consistent with the Priority Policies set forth in Planning Code Section 101.1, and

(C) ~~(iii)~~ With respect to the architectural design that:

(i) ~~(a)~~ The mass and fa~~c~~çade of the proposed structure are compatible with the existing scale of the underlying RM-1 and Sacramento NCD Districts,

(ii) ~~(b)~~ The ~~*facade*~~ *façade* of the proposed structure is compatible with design features of other non-residential fa~~c~~çades and contributes to the positive visual quality of the underlying RM-1 and Sacramento NCD Districts,

(iii) ~~(c)~~ The treatment of screening, service areas, lighting and general signage program is compatible with non-residential buildings in the area or with the design and purposes of the proposed project, and

(iv) ~~(d)~~ The building is designed in discrete elements which respect the scale of development in the neighborhood.

The criteria in this Subsection (b)(3) shall be in lieu of the criteria set forth in Sections 303(c), Section 121.1 (Development of Large Lots, Neighborhood Commercial Districts) and Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts) and Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts) of this Code. In making determinations on applications for conditional use authorization within the California-Presidio Special Use District, the Planning Commission shall consider the purposes set forth in Subsection (a) above, in addition to any other criteria to be applied hereunder.

(4) **Floor Area Ratio.** The floor area ratio limit shall be 2.5 to 1, provided, however, that the limit shall not apply to floor area used for off-street parking and loading and for driveways and maneuvering areas incidental thereto, where such parking and loading is located entirely below curb level as measured from the property line at the center point of the building along its California Street frontage.

(5) **Height and Bulk Restrictions.** The applicable Height and Bulk for this Special Use District shall be 65-X.

(6) **Required Setbacks - Site Coverage.** The provisions of Sections 132, 134, and 136 of this Code governing setbacks shall not apply.

(7) **Parking.** The off-street parking requirement may be modified by the Planning Commission pursuant to the procedures for granting ~~c~~Conditional ~~u~~Use authorization set forth in Section 303 of this Code. In acting upon any application for a modification of parking

requirements the Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303, or elsewhere in the Code, and shall grant the modification if it finds that:

(A) ~~*(i)*~~ Modification of the parking requirement is justified by the reasonable anticipated auto usage by visitors of the project, including, without limitation, taking into consideration appropriate link factors due to multiple uses of programs and facilities, the normal hours of operation of such uses, programs and facilities and other factors applicable to the proposed uses; or

(B) ~~*(ii)*~~ Modification of the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity of the project. In making such finding, the Planning Commission may, among other things, take into consideration ~~*(A)*~~ *(i)* the proposed project's net effect on parking demand as compared to the parking demand that is not currently being met because of the absence of off-street parking associated with existing uses, and ~~*(B)*~~ *(ii)* whether the parking proposed for the project will decrease the deficiency that currently exists with respect to the parking that would normally be required under the Planning Code for the existing structures and uses.

Notwithstanding any other provisions of the Planning Code, parking may be made available to nearby residents, businesses and the general public for use as short-term or evening parking when not utilized by the uses authorized hereunder to which such parking is otherwise accessory.

(8) **Demolitions.** The demolition of all buildings in this California-Presidio Special Use District containing residential uses shall be authorized pursuant to the procedures

for granting authorization set forth in Section 303 of this Code, provided that the notice and relocation assistance provisions of Chapter 37 of the San Francisco Administrative Code (the San Francisco Residential Rent Stabilization and Arbitration Ordinance) are met. In considering whether to grant a conditional use permit for demolition, in lieu of the criteria set forth in Section 303, consideration shall be given to:

(A) ~~(i)~~ The purposes of this California-Presidio Special Use District set forth in Subsection (a), above;

(B) ~~(ii)~~ The adverse impact on the public health, safety and welfare due to the loss of existing housing stock in the underlying RM-1 and Sacramento NCD Districts, and

(C) ~~(iii)~~ The hardship to the applicant if the permit is denied or a particular mitigation or condition is required.

Conditional Use authorization for demolition of the building at 3272 California Street shall be subject to such conditions, if any, as the Planning Commission may reasonably require.

(9) **Signs.** Except as provided herein, signage shall be regulated as provided in Article 6 of this Code, subject to review in accordance with the criteria set forth in Subsection (b)(3) herein.

(A) ~~(i)~~ **Signs for Businesses or Other Authorized Uses.**

(i) ~~A.~~ **Window Signs.** Window signs shall be permitted. The total area of all window signs shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be non-illuminated, indirectly illuminated or directly illuminated.

(ii) ~~B.~~ **Wall Signs.** One wall sign per business or authorized use which fronts and opens on the street is permitted, provided that for a business or authorized use located at the street intersection that fronts on two streets two wall signs shall be permitted. The area of a wall sign shall not exceed 50 square feet and the height of the wall sign shall not exceed 20 feet. The wall sign may be non-illuminated, indirectly illuminated or directly illuminated.

(iii) ~~C.~~ **Projecting Signs.** One projecting sign per business or authorized use that fronts and opens on the street is permitted, provided that for a business or use located at the street intersection that fronts on two streets two signs shall be permitted. In no case shall more than five such projecting signs be permitted within this California-Presidio Special Use District. The area of the projecting signs shall not exceed 32 square feet and the height shall not exceed 30 feet. Projecting signs may be non-illuminated, indirectly illuminated, or directly illuminated.

(iv) ~~D.~~ **Signs on Awnings.** One awning or marquee per business or authorized use which fronts and opens on the street shall be permitted, provided that for a business or use located at a street intersection which fronts on two streets two awnings or marquees may be permitted. The area of the sign copy on such marquee shall not exceed 40 square feet and may be non-illuminated or indirectly illuminated.

Only one wall sign, awning sign, or projecting sign as described in this Subsection is permitted for each business or authorized use fronting on a street, provided that for a business or use at the intersection fronting on two streets, any two of such signs is permitted.

(B) ~~*(ii)*~~ **Projecting Signs (Banner Type).** Up to four banner-type projecting signs adjacent to the main entrance are permitted. The area of these projecting signs shall not exceed 32 square feet and the height shall not exceed 50 feet. Such signs shall be non-illuminated or indirectly illuminated non-fluttering fixed banner types (principally used to celebrate holidays or announce events).

(C) ~~*(iii)*~~ **Identifying Sign.** One project name identifying sign above the main entrance to the building shall be permitted and the area of the identifying sign shall not exceed 200 square feet and 40 feet in height. The identifying sign may be non-illuminated or indirectly illuminated.

(D) ~~*(iv)*~~ **Directly Illuminated Wall Sign.** A directly illuminated digitally programmable sign or signs attached to the building fa~~c~~*c*ade at or around the corner of the building at California Street and Presidio Avenue to display announcements about community center events, programs and related matters consistent with the purposes and uses of the project is permitted.

SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.

In order to provide for the protection and enhancement of specialty retail and antique store uses in the Jackson Square area, there shall be established the Jackson Square Special Use District as designated on Sectional Map No. SU01 of the Zoning Map. The boundaries of this ~~s~~*S*pecial ~~u~~*U*se ~~d~~*D*istrict shall be coterminous with the boundaries of the Jackson Square Historic District as established by Appendix B to Article 10 of this Code and further described in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The following provisions shall apply within the Jackson Square Special Use District:

(a) **Purposes.** These controls are intended to protect and enhance the unique retail character of the ~~s~~*S*pecial ~~u~~*U*se ~~d~~*D*istrict. All decisions of the Planning Commission and Department for the establishment of ground floor use shall be guided by the following factors:

(1) Continuation and enhancement of existing ground floor retail uses are of critical importance to the character of the District and displacement of such uses should be discouraged;

(2) Attraction and retention of similar new retail establishments that conform with the character of this District should be encouraged; and

(3) Uses that greatly intensify the density of employment have a negative impact on the provision of neighborhood services, traffic circulation, and limited on- and off-street parking.

(b) **Controls.**

(1) **General.** The provisions of the C-2 use district as established in Section 210.2 and applicable provisions of the Washington-Broadway Special Use District (Section 239), and the Chinatown Community Business District (Section 810.1), shall prevail except as provided in paragraphs (2) and (3) below.

(2) **Conditional Uses.**

(A) Office *U*~~u~~ses ~~and~~ *Business Services and Institutional Uses as* set forth in Section~~s~~ *102 of this Code* ~~*219(a), (b), (c), and (d), and Sections 890.70 and 890.111, and all institutional uses set forth in Sections 217 and 890.50,*~~ at the ground floor are subject to ~~c~~*C*onditional ~~u~~*U*se authorization pursuant to Section 303 of this Code, provided, however, that building lobbies, entrances, and exits to and from the basement, ground floor, or upper floors,

and other reasonably-sized common areas at the ground floor shall be permitted without ~~c~~Conditional ~~u~~Use authorization. In addition to the findings required under Section 303(c) for ~~c~~Conditional ~~u~~Use authorization, the Commission shall make the following findings:

(i) The use shall be necessary to preserve the historic resource and no other use can be demonstrated to preserve the historic resource.

(ii) The use shall be compatible with, and shall enhance, the unique retail character of the District.

(B) Subsection (b)(2)(A~~a~~) shall not apply to any use that fronts Pacific Street.

(3) **Prohibited Uses.** Adult *Businesses* ~~*entertainment enterprises*~~, as defined in Section *102* of this Code, ~~*221(k)*~~ are prohibited.

SEC. 249.31. JAPANTOWN SPECIAL USE DISTRICT.

A Special Use District entitled "Japantown Special Use District," the boundaries of which are shown on Sectional Map *No.* ~~2~~SU*02* of the Zoning Map of the City and County of San Francisco is hereby established for the purposes set forth below.

* * * *

(b) **Controls.** The following provisions, in addition to all other applicable provisions of the Planning Code, shall apply within such Special Use District:

(1) **Conditional Use Authorization.** The following activities, if not otherwise prohibited, shall require ~~c~~Conditional ~~u~~Use authorization from the Planning Commission pursuant to Section 303.

(A) ~~*(i)*~~ **Use Size.** The establishment of a new use or any change in use in excess of 4,000 gross square feet.

(B) ~~*(ii)*~~ **Merger.** The merger of one or more existing uses into a use in excess of 2,500 gross square feet.

~~*(iii) Formula Retail. The establishment of any formula retail use, as defined in Section 703.3(b).*~~

(2) For any use subject to conditional use authorization and for any activity that the Planning Commission considers under its discretionary review power, the Planning Commission shall make the following additional findings:

(A) ~~*(i)*~~ The use is not incompatible with the cultural and historic integrity, neighborhood character, development pattern, and design aesthetic of the Special Use District; and

(B) ~~*(ii)*~~ The use supports one or more of the purposes for establishing the Japantown Special Use District.

(3) **Notice.** Any change in use or establishment of a new use in the neighborhood commercial zones within this Special Use District shall require notice pursuant to section 312 and shall include ~~*the following:*~~ *a posted notice.*

~~*(i) Posted Notice.*~~ Posted notice shall be in locations that the Zoning Administrator designates. Said locations shall be easily visible to members of the public and shall be posted, at a minimum, on Geary Boulevard, Post Street, and Webster Street, Fillmore Street, or Laguna Street.

SEC. 249.32. LAGUNA, HAIGHT, BUCHANAN AND HERMANN STREETS SPECIAL USE DISTRICT.

* * * *

(b) **Applicability.** The provisions of this Special Use District shall only apply to projects which require conditional use authorization under Section 303 of this Code. In considering the appropriateness of conditional use authorization within the Special Use District, the Commission shall, in addition to the factors required by Section 303, consider the following factors:

(1) **Parking.** Consistent with the Area Plan, there shall be no minimum number of off-street parking spaces required for any use within the Special Use District. There shall be no more than 0.75 off-street parking space per unit, including dwelling units, senior dwelling units, which parking spaces may be located anywhere in the Special Use District. In addition, up to 51 replacement parking spaces may be provided in the Special Use District for the existing dental clinic located on Assessor's Block 870, Lot 3, provided that 15 of such spaces should be subject to a parking rate structure to encourage short-term use, and that the Project Sponsor AF Evans, or its successor, should use good faith efforts to agree with the owner of the dental clinic that any after tax revenue from such parking spaces should be used to support the indoor community facility; and provided that the owner of the dental clinic, within five years from the effective date of this ordinance, submits a plan consistent with ~~*Planning Code*~~ Section 304.5 *of this Code*, for reuse of the dental clinic. The minimum number of parking spaces required for any commercial or community facility use set forth in Section 151 of this

Code shall instead be the maximum number of spaces that can be provided for such commercial and community facility uses.

(2) **Off-Street Parking Standards.** The off-street parking standards for both residential and non-residential parking spaces set forth in the Area Plan shall be generally applied, including that: ~~(i)~~ (A) ~~that~~ no more than 20 feet per block frontage of any building may be devoted to off-street parking ingress and egress, and such ingress and egress is not located on a Transit Preferential Street, Citywide Pedestrian Network or designated Neighborhood Commercial Street where an alternative frontage exists; (B) ~~(ii) that~~ off-street parking at or above the ground floor be set back at least 25 feet from any street exceeding a width of 30 feet and that active uses be provided along such street frontages within the required setback; (C) ~~(iii) that~~ vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district; (D) ~~(iv) that~~ accommodating off-street parking does not degrade the overall urban design quality of the project; (E) ~~(v) that~~ parking does not diminish the quality and viability of existing or planned streetscape enhancements; (F) ~~(vi) that~~ for residential projects of 50 units or more, all residential accessory parking in excess of 0.5 spaces per unit is stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, maximizes other uses, and discourages the use of vehicles for commuting for daily errands; (G) ~~(vii) that~~ projects that provide 10 or more spaces for non-residential uses dedicate 5% percent of those spaces, rounded down, to short-term, transient use by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or other co-operative auto programs; (H) ~~(viii) that~~

retail uses larger than 20,000 square feet which sell merchandise that is bulky or difficult to carry by hand or by public transit offer door-to-door delivery services and/or shuttle service; *(I)* ~~*(ix) that*~~ car-share parking spaces be offered in at least the minimum amounts set forth in Planning Code 166; *(J)* ~~*(x) that*~~ accessory non-residential parking spaces be available to the general public from the hours of 7:00 p.m. to 7:00 a.m. Monday through Friday, and at all times on Saturday and Sunday; and *(K)* ~~*(xi) that*~~ parking spaces be leased or sold separately from the rental or purchase price of units.

(3) **Loading.** The minimum number of loading spaces required for any use as set forth in Section 152 of this Code shall instead be the maximum number of spaces that can be provided.

(4) **Residential Density.** The base residential density limits of the underlying zoning as set forth in *the Zoning Control Table for the district in which the lot is located* ~~*Sections 209 and 712*~~ shall apply. For a project that exceeds those base density limits through a Section 304 planned unit development authorization, the policy of the Area Plan that 40% *percent* of on-site family units be two or more bedroom units shall apply.

(5) **Impact Fees or In-Kind Provision of Community Infrastructure.** The Planning Commission shall consider imposition of a community infrastructure impact fees or accept in lieu the in kind provision of community infrastructure improvements generally consistent with the priorities set forth in the Area Plan, including publicly accessible open space in excess of the residential open space requirements of this Code and an indoor community facility, of a value comparable to the Area Plan policies. In the event the Planning Commission does not accept in lieu the in kind provision of publicly accessible open space in

excess of the residential open space requirements of this Code or an indoor community facility, such in kind open space and community facilities shall not otherwise be required to be provided by a project in the Special Use District. Should impact fees, rather than in kind provision of infrastructure improvements, be provided in whole or part, such fees shall be deposited in the Market & Octavia Community Improvements Fund as proposed to be established by the Area Plan. Fees deposited in the Market & Octavia Community Improvements Fund, as proposed to be established by the Area Plan, may be used to support the indoor community facility.

(c) **Affordable Housing.** Should the percentage of family and senior dwelling units in a project in the Special Use District proposed to be affordable to households of low- or moderate-income meet or exceed *35* ~~*thirty five*~~ percent ~~*(35%)*~~ of the total number of ~~*d*~~*D*welling ~~*u*~~*U*nits in the project, the proposed amendments to Section 315.4(a)(1)(A), which can be found in Board of Supervisors File Nos. 071156 and 080255, imposing an additional affordable housing fee in the Market and Octavia Plan Area, shall not apply.

(d) **Waller Street.** The project sponsor shall gain approval for the use of Waller Street from the Board of Supervisors prior to issuance of a building or site permit.

(e) **Expiration.** If a site or building permit has not been issued and construction commenced on the mixed-use project described above, the provisions of this Special Use District shall expire five years from the effective date of this legislation.

SEC. 249.33. VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT.

(a) **Purpose.** There shall be a Van Ness & Market Downtown Residential Special Use District, which is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods Plan area, and whose boundaries are designated on Sectional Map No*s*. ~~2~~SU*02* and ~~7~~SU*07* of the Zoning Map of the City and County of San Francisco. This ~~d~~*D*istrict is generally comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. This ~~d~~*D*istrict is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. This area is encouraged to transition from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and serves as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3. A notable amount of large citywide commercial and office activity will remain in the area, including government offices supporting the Civic Center and City Hall. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area Plan, and is described therein.

(b) **Use Controls.**

(1) **Non-residential Uses.** For newly-constructed buildings or additions which exceed 20 percent or more of an existing structure's gross floor area, non-residential uses are not permitted above the ~~4th~~ *fourth* story, and at least two occupied square feet of residential

use shall be provided for each occupied square foot of non-residential use. In order to accommodate local government office uses near City Hall, publicly-owned or leased buildings or lots are exempted from the requirements of this ~~s~~Subsection.

(2) **Residential Density.** There shall be no density limit for residential uses by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Market & Octavia Area Plan Fundamental Principals for Design, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. The limitations *set forth in the Zoning Control Table for the district in which the lot is located* ~~of Section 215~~ shall not apply.

(3) **Residential Affordable Housing Program.** All projects in this ~~d~~District shall be subject to all the terms of Section 415 and following of the Inclusionary Affordable Housing Program. Notwithstanding the foregoing, projects within the Van Ness and Market Downtown Residential Special Use District shall at a minimum fulfill the requirements to the levels specified in this section. Should Section 415 require greater contributions to the affordable housing program, those requirements shall supercede this section. Proposed exceptions to these requirements due to hardships associated with construction type, specifically heights above 120 feet, are not applicable in this Special Use District because parcels are receiving an up zoning through increased density and benefits through the general transformation of the district to a transit oriented neighborhood with a mixed use character. Requirements and administration of this program shall follow the conditions outlined in Section 415 of ~~the Planning~~ *this* Code unless otherwise specified in this ~~s~~Section.

(A) **Payment of Affordable Housing Fee.** Except as provided in Section 415.5(g) *of this Code*, all development projects subject to Section 415 et seq. in the Van Ness Market Special Use District shall be required to pay an Affordable Housing Fee under Section 415.5 equivalent to 20 percent of the number of units in the principal project.

(B) **Alternatives to Payment of Affordable Housing Fee.** If a project sponsor both qualifies for and chooses to meet the requirements through an Alternative to the Program, the project sponsor may choose one of the Alternatives in Section 415.5(g).

(i) **On Site Housing Requirements and Benefits.** For projects that qualify for and choose to fulfill the requirements of Section 415 through the provision of onsite housing, the Planning Department shall require that 12% *percent* of all units constructed on the project site shall be affordable to qualifying households so that a project applicant must construct .12 times the total number of units produced in the principal project. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(ii) **Compliance Through Off-Site Housing Development.** For projects that qualify for and choose to fulfill the requirements of Section 415 through the provision of off-site housing, the Planning Department shall require that 20% *percent* of all units constructed on the project site shall be affordable to qualifying households so that a project applicant must construct .20 times the total number of units produced in the principal project. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(4) **Open Space Provider.** The off-site open space permitted by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that *(A)* ~~(i)~~ the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, *(B)* ~~(ii)~~ provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and *(C)* ~~(iii)~~ the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(A) **Off-Site Provision of Required Open Space.** Up to 40 percent of usable open space required by Sections 135 and 138 may be provided off-site if it is within the SUD or within 900 feet of the project site and meets the standards described below for publicly accessible open space described below.

(B) **Publicly-Accessible Open Space Standards.**

(C) Open space must be of one or more of the following types:

(i) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas according to the Market & Octavia Area Plan;

(ii) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the floor area devoted to food or beverage service;

(iii) An unenclosed pedestrian pathway that meets the minimum standards described in Section 827(g)(3)(A) - (E) *of this Code*;

(iv) A terrace or roof garden with landscaping;

(v) Streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Market & Octavia Area Plan, such as sidewalk widening or building setbacks; and

(vi) Streetscape improvements with landscaping and pedestrian amenities on alleyways from building face to building face, beyond basic street tree planting or street lighting as otherwise required by this Code, in accordance with the Market & Octavia Area Plan.

* * * *

(E) **Maintenance.** Open spaces shall be maintained at no public expense, except as might be provided for by any community facilities district that may be formed. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.1 *of this Code*.

* * * *

(5) **Lot Coverage.** The rear yard requirements of Section 134 *of this Code* shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards per Section 136(c) *of this Code*. Exceptions to the 20 percent open area may be granted pursuant to the procedures of Section 309 for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.

(6) **Floor Area Ratio.**

(A) The maximum FAR allowed, except as allowed in this Section, shall be that described in Section 123(~~C~~c), provided that it shall not be greater than 9:1. The definition of Gross Floor Area shall be that in Section 102~~.9~~ as of the date of approval of this *Section 249.33* ~~*Ordinance*~~, and shall include all *r*~~R~~esidential uses. The provisions of Section 124(g) *of this Code* shall not apply in this special use district.

(B) **Floor Area Bonus Permitted for Public Improvements or In-lieu Contributions to the Van Ness and Market Neighborhood Infrastructure Fund and In lieu Contributions to the Citywide Affordable Housing Fund.**

(i) The gross floor area of a structure or structures on a lot may exceed the maximum ratio described in Section 123(c) *of this Code* through participation in the Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program, according to the procedures described in Section 424.

(ii) Notwithstanding the provisions of Sections 127 and 128 *of this Code,* projects in this Special Use District are not eligible to acquire Transferable Development Rights from a Transfer Lot or Lots pursuant to the provisions of Sections 127 *and* - 128 for that increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c). Instead, a project may pay to the City's Citywide Affordable Housing Fund thirty dollars ($30) per additional gross square foot for that increment of FAR above the base FAR limit in Section 124 up to the maximum FAR described in Section 123(c). Any monies deposited into the Citywide Affordable Housing Fund shall be administered as provided for in Section 415 et seq.

SEC. 249.34. TRINITY PLAZA SPECIAL USE DISTRICT.

In order to give effect to the Development Agreement for the Trinity Plaza Development Project, there shall be the Trinity Plaza Special Use District consisting of Assessor's Block 3702, Lots 039, 051, 052, and 053 and a portion of former Jessie Street between Seventh and Eighth Streets, as designated on Sectional Map *No.* ~~1~~SU*01* of the Zoning Map of the City and County of San Francisco.

(a) **Special Controls.** The following controls shall apply within this Special Use District:

(1) **Floor Area Ratio.** The floor area ratio limits set forth in Sections 123 and 124 *of this Code* for C-3-G Districts shall not apply to ~~d~~*D*wellings and other residential uses.

(2) ~~***Residential Density.*** *The maximum density ratio for dwelling units in C-3-G Districts set forth in Section 215 shall not apply.*~~

~~*(3)*~~ **Shadows on Public Sidewalks.** The requirement regarding sunlight to public sidewalks set forth in Section 146 shall not apply.

(3) ~~(4)~~ **Exposure of Dwelling Units.** Exceptions to the provisions of Section 140 *of this Code* regarding dwelling unit exposure to open areas may be granted through the process set forth in Section 309 in lieu of the process set forth in Section 305. An exception to the provisions of Section 140 shall only be granted upon a determination that the proposed design provides adequate access to air and light consistent with the intent of Section 140.

(b) **The Development Agreement for the Trinity Plaza Development Project.** This Special Use District is further subject to the restrictions and controls set forth in the Development Agreement for the Trinity Plaza Development Project, recorded against the property, as amended from time to time.

SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.

* * * *

(b) **Establishment of the Fringe Financial Service Restricted Use District.** In order to preserve the residential character and the neighborhood-serving commercial uses of the following defined areas, a noncontiguous Fringe Financial Service Restricted Use District (Fringe Financial Service RUD) is hereby established for the following properties:

(1) *Properties in NC-1 and NCT-3 Districts, and in the Broadway (Sec. 714), Castro Street (Sec. 715), Inner Clement Street (Sec. 716), Outer Clement Street (Sec. 717), Excelsior Outer Mission Street (Sec. 745), Fillmore Street (Sec. 747), Upper Fillmore Street (Sec. 718), Haight Street (Sec. 719), Upper Market Street (Sec. 721), Upper Market Street NCT (Sec. 733), Mission Street (Sec. 736), North Beach (Sec. 722), Pacific Avenue (Sec. 732), Sacramento Street (Sec. 724), Inner Sunset (Sec. 730), 24th Street – Mission (Sec. 727), 24th Street – Noe Valley (Sec. 728), Union Street (Sec.*

725), Valencia Street (Sec. 726), and West Portal Avenue (Sec. 729) Neighborhood Commercial Districts;

(2) Properties in the Mission Alcoholic Beverage Special Use District, as described in Section 249.60 of this Code and as designated on Sectional Maps SU07 and SU08 of the Zoning Map of the City and County of San Francisco;

(3) ~~(2)~~ Properties in the North of Market Residential Special Use District, as described in Section 249.5 of this Code and as designated on Zoning Maps Numbers SU01 and SU02;

(4) ~~(3)~~ Properties in the Divisadero Street *(Section 783), Haight Street (Section 781.9) and Third Street (Section 782)* Alcohol Restricted Use District*s*~~, as described in Section 783 of this Code and as designated on Zoning Maps Numbers SU02 and SU07 of the Zoning Map of the City and County of San Francisco and the Excelsior Outer Mission Neighborhood Commercial District, as described in Section 745 of this Code and as designated on Zoning Map ZN08 of the Zoning Map of the City and County of San Francisco~~;

~~*(4) Properties in the Third Street Alcohol Restricted Use District, as described in Section 249.62 of this Code and as designated on Sectional Map SU10 of the Zoning Map of the City and County of San Francisco; and*~~

~~*(5) Properties in the Haight Street Alcohol Restricted Use Subdistrict, as described in Section 781.9 of this Code and as designated on Zoning Maps Numbers SU06 and SU07 of the Zoning Map of the City and County of San Francisco.*~~

* * * *

(f) **Definitions:** The following definitions shall apply to this Section 249.35.

(1) ~~A~~ "~~F~~fringe ~~F~~financial ~~S~~service" *as defined in Section 102 of this Code* ~~*shall mean a retail use that provides banking services and products to the public and is owned or operated by a "check casher" as defined in California Civil Code section 1789.31, as amended from time to time, or by a "licensee" as defined in California Financial Code section 23001(d), as amended from time to time.*~~

(2) A "nonprofit fringe financial service" shall mean a ~~f~~Fringe ~~f~~Financial ~~s~~Service that is exempted from payment of income tax under Section 23701(d) of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. Any such nonprofit ~~f~~Fringe ~~f~~Financial ~~s~~Service shall provide the Planning Department with a true copy(ies) of its income tax documentation demonstrating its exemption from payment of income tax under State and Federal Law.

(g) The Planning Department shall maintain information regarding the location of existing ~~f~~Fringe ~~f~~Financial ~~s~~Services located outside the Fringe Financial Service Restricted Use District, which information shall be presumed accurate. An applicant for a new ~~f~~Fringe ~~f~~Financial ~~s~~Service use may submit information to the Department to demonstrate that an existing fringe financial service use has closed or is otherwise not located within a *one-quarter* ~~¼~~ mile of the location of the proposed new ~~f~~Fringe ~~f~~Financial ~~s~~Service use.

SEC. 249.35B. DESIGN AND DEVELOPMENT SPECIAL USE DISTRICT.

In recognition of existing large parcels where a limitation on office square footage per lot would be proportionally inappropriate, to accommodate office space for activities that require space outside of downtown, to provide affordable office space to small firms and organizations which may be engaged in incubator businesses and microenterprises, and to

accommodate office space in relation to the agglomeration of internal, telecommunications and related utility uses in the immediate area, there shall be a Design and Development Special Use District applied to certain portions of the South Basin area west of Third Street, and to parcels on Third Street near the intersections of Cargo Way, Custer Avenue, Davidson Avenue, Evans Avenue, and Egbert Avenue, as shown on Sectional Map 10 SU of the Zoning Map. The following provisions shall apply within such special use district:

(a) Except as described below, the specific use definitions and controls for PDR-1 and PDR-2 Districts, as detailed *in the District's Zoning Control Table* ~~*Sections 213-277 of this Code*~~, shall apply to lots within this Design and Development SUD, including the accessory use provisions contained in Section 204.3 *of this Code*.

(b) Any ~~*o*~~*Office* use is permitted, limited to a floor area ratio of 0.25 of gross floor area to 1 square foot of lot area notwithstanding the office use size limitations of the PDR-2 District. In no case shall office use be limited to less than the size allowed in a PDR-2 District *as detailed in the District's Zoning Control Table* ~~*under Planning Code Section 219*~~; nor shall it exceed a total of 50,000 square feet of gross floor area per lot.

(c) An ~~*o*~~*Office* use above the amount permitted in Section 249.35B(b) *of this Code* is permitted provided that it shall be limited to the following activities:

(1) design activities, including but not limited to architectural, graphic, interior, product, and industrial design;

(2) ~~*b*~~*Business* ~~*s*~~*Service* as defined in ~~*Planning Code*~~ Section *102* ~~*890.111*~~ *of this Code*;

(3) ancillary office activities related to internet, telecommunications, electronic networking or data storage service and maintenance;

(4) digital media and arts.

(d) For all ~~o~~Office use square footage greater than the amount permitted under 249.35B(b), a Notice of Special Restriction shall be executed by the Zoning Administrator and recorded in the Office of the County Recorder, specifying that the office activities are limited to the uses permitted under Planning Code Section 249.35B(c).

(e) For all ~~o~~Office use square footage greater than the amount permitted under 249.35B(b) *of this Code*, each individual business shall be limited to 5,000 square feet of gross floor area.

(f) Off-street parking spaces shall be provided in the minimum amounts as follows:

(1) for ~~o~~Office uses permitted under Section 249.35B(b), according to Table 151 of this Code;

(2) for office uses permitted under Section 249.35B(c), 1 space for every 2,500 square feet of occupied floor area.

SEC. 249.41. 901 BUSH STREET SPECIAL USE DISTRICT.

(a) In order to facilitate development of the 901 Bush Project in a manner consistent with City policies and neighborhood character, there shall be the 901 Bush Special Use District consisting of Assessor's Block 0282, Lot 001 as designated on the Zoning Map of the City and County of San Francisco and generally bounded by Bush Street to the north, Taylor Street to the East, and Assessor's Block 0282 Lots 017 and 022 to the west and south, respectively.

(b) All the applicable provisions of the Planning Code for RC-4 Districts shall apply within this Special Use District except for the following:

(1) **Residential Density.** The maximum density ratio for ~~d~~Dwelling ~~u~~Units in RC-4 Districts *as* set forth in *RC Zoning Control Table* ~~*Section 209.1*~~ shall not apply. Density in the Special Use District shall not exceed one ~~d~~Dwelling ~~u~~Unit for each 120 square feet of lot area.

(2) **Rear Yard.** The rear yard requirements established by Section 134 *of this Code* shall not apply. The rear yard depth shall be 9~~%~~ *percent* of total lot depth.

(3) **Open Space.** The dimensional requirements for useable open space established by Section 135(g) *of this Code* shall not apply.

(4) ~~***Off-Street Parking.*** *The off-street parking requirements established by Section 151 shall not apply. No off-street parking is required in the Special Use District.*~~

~~*(5)*~~ **Affordable Housing.** Notwithstanding the terms of Sections 415 *et seq.*~~;~~ *of this Code,* and due to the unique circumstances of the site, the existing building, and the property's history; the existing residential project within this Special Use District shall contain five ~~*(5)*~~ on-site inclusionary affordable housing units that meet all other requirements of Sections 415 *et seq.*

(c) The terms of this Special Use District shall apply only to the existing building on the subject lot and all successor lots or units that may be created though a subdivision. Any demolition, new construction, or building additions within this Special Use District shall be subject to all applicable terms of the Planning Code in effect at the time of the demolition, new construction, or building addition.

SEC. 249.42. INDIA BASIN INDUSTRIAL PARK SPECIAL USE DISTRICT.

In order to provide continued enhancement and protection of certain retail, office, and social service uses in the India Basin Industrial Park area, and to generally retain setback requirements previously required under the India Basin Industrial Park Redevelopment Plan, there shall be an India Basin Industrial Park Special Use District, the boundaries of which are shown on Sectional Map *Nos.* ~~8~~SU*08* and ~~10~~SU*10* of the Zoning Map *of the City and County of San Francisco*. The following provisions shall apply within this Special Use District:

(a) **Parcels in close proximity to Third Street.** Parcels numbers 5203/035, 5203/043, 5203/083, 5203/084, 5211/028-054, 5235/012, 5235/015, 5242/001, 5242/002, 5242/007 and 5242/031, are subject to the provisions of the PDR-2 District except as provided below:

(1) ~~1.~~ **Office Uses.** Office uses*, as defined in Planning Code Section 102* ~~*within the meaning of Section 219*~~ shall not be subject to the use size limits for ~~o~~*O*ffice uses in the PDR-2 District set forth in *the PDR Zoning Control Table* ~~*Section 219*~~ and the non-residential use size limits in the PDR-2 District set forth in *the PDR Zoning Control Table,* ~~*Section 121.8,*~~ however, a new or expanded ~~o~~*O*ffice use is not permitted if the total amount of ~~o~~*O*ffice use on one of the parcels designated above would exceed 50,000 gross square feet.

(2) ~~2.~~ **Retail uses.** Retail *Sales and Service* uses *as defined in Section 102* ~~*within the meaning of Section 218*~~ shall not be subject to the use size limits for ~~r~~*R*etail uses in the PDR-2 District set forth in *the PDR Zoning Control Table* ~~*Section 218*~~ and the non-residential use size limits for the PDR-2 District set forth in *the PDR Zoning Control Table* ~~*Section 121.8*~~, however, any individual new or expanded ~~r~~*R*etail use that contains a gross floor area greater than 5,999

square feet shall require Conditional Use authorization pursuant to Section 303 and must comply with the criteria of Sections 121.2(a)(1) through (3) *of this Code*.

(3) ~~3.~~ **Institutional uses.** Social ~~s~~*S*ervice and *Philanthropic* ~~f~~*F*acilities *as defined in* ~~within the meaning of~~ Section *102* ~~217(d)~~ shall not be subject to the use-size limit for the PDR-2 District set forth in *the PDR Zoning Control Table* ~~Section 217(d)~~. Child-~~c~~*C*are facilities *as defined in Section 102* ~~within the meaning of Section 217(e)~~ shall be principally permitted. *Health Service uses, as defined in Section 102 of this Code.* ~~Clinics~~ primarily providing outpatient care in medical, psychiatric or other healing arts shall be principally permitted if the gross floor area of such facility is less than 7,000 square feet. Such clinics may be affiliated with a medical institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. *Health Service uses* ~~Clinics~~ primarily providing outpatient care in medical, psychiatric or other healing art with a gross floor area equal to or greater than 7,000 square feet, whether or not affiliated with a *Hospital* ~~medical institution~~, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans, shall require ~~c~~*C*onditional ~~u~~*U*se authorization pursuant to Section 303.

(4) ~~4.~~ **Off-Street Parking.** The minimum off-street parking requirements set forth in Section 151 *of this Code* shall not apply. However, for the purpose of determining the maximum amount of parking allowed as an accessory use under Section 204.5, the amount of parking required ~~by this Code~~ shall be the amount set forth in Section 151.

(b) **Front setbacks.** All parcels within this Special Use District shall provide landscaped front setbacks at depths and along frontages identified in this Subsection. The intent is to maintain and reinforce existing landscaped front setbacks, including the

landscaped berms, India Basin Industrial Park signs, and tree hedges. Such setbacks shall be completely and appropriately landscaped and shall remain unpaved and devoted to plant material, excepting reasonable space necessary for ingress and egress to properties. Except as set forth in this Subsection for corner properties, only those permitted obstructions identified in Section 132(f) shall be permitted within such front setback. Corner properties with frontage along more than one street identified below shall provide the required setback along all applicable frontages with two exceptions: (1) the required setback along each frontage may be reduced to the depth of the front setback of an existing building on an adjacent lot along the same frontage, provided that the adjacent building occupies at least half of the width of the adjacent lot, and (2) building elements may extend into portions of the required setback, resulting in an irregular setback, provided that the total area of the resulting setback along each frontage is at least equal to the total area of the setback that would otherwise be required. The required front setbacks are as follows:

~~1.~~ *(1)* Third Street, east side, north of Burke Avenue, 10 feet.

~~2.~~ *(2)* Third Street, east side, south of Burke Avenue, 15 feet.

~~3.~~ *(3)* Evans Avenue, north side, 15 feet.

~~4.~~ *(4)* Evans Avenue, south side between Third Street and Mendell Street, 15 feet.

~~5.~~ *(5)* Cargo Way, south side, 15 feet.

SEC. 249.46. VETERANS COMMON SPECIAL USE DISTRICT.

In order to facilitate the development of the Veterans Commons Project for homeless veterans, that shall be a ~~*special use district known as the*~~ Veterans Commons Special Use District, consisting of Assessor's Block No. 3513, Lot No. 07, at the street location address

150 Otis Street, and as designated on ~~*Sheet*~~ *Sectional Map No.* SU07 of the Zoning Map of the City and County of San Francisco. The following provisions shall apply within the Veterans Common Special Use District:

(a) **Construction of Affordable Housing Project.** The property in the Veterans Commons Special Use District may be converted from public institutional special to a residential housing project with attendant meeting rooms, community kitchens and ancillary services, and property management offices.

(b) **Controls.** Notwithstanding any other provisions of this Code, the following controls shall govern uses in this Special Use District:

(1) This Special Use District shall permit uses consistent with the RTO (Residential Transit Oriented) subject to the exceptions listed below:

(A) **Rear Yard.** The rear yard requirements under Section 134 shall not apply.

(B) **Usable Open Space.** The usable open space requirements under Section 135(d) shall not apply.

(C) **Sunlight and Dwelling Unit Exposure.** The sunlight and dwelling unit exposure requirements of Section 140 shall not apply to any west facing units.

(D) **Section 155.2 Bicycle Parking.** Bicycle parking requirements under Section 155.2 shall not apply.

(E) **Section 207.6 Dwelling Unit Mix.** The two-bedroom unit requirements under Section 207.6 shall not apply.

(2) **Density.** Notwithstanding the density requirements *in the Zoning Control Table for the district in which the lot is located* ~~*of Section 209*~~, the Special Use District shall allow up to 76 dwelling units (or a ratio of no less than 89.41 sq. ft./dwelling) in a single building.

(3) **On-site Social Services.** The area dedicated to on-site social services/special service provision shall be no greater than 6,300 sq. ft. and shall be located in or below the ground story.

SEC. 249.54. EXECUTIVE PARK SPECIAL USE DISTRICT.

(a) **General.** A Special Use District entitled the Executive Park Special Use District is hereby established for Assessor's Block 4991, Lots 024, 061, 065, 074, 075, 078, 085 and 086 and Assessor's Block 5076, Lots 012 and 013, generally bounded by Hamey Way on the south, Highway 101 on the west, Executive Park Boulevard North on the north and Executive Park Boulevard East on the east, and is set forth in Sectional Map *No.* SU10 of the Zoning Map *of the City and County of San Francisco*.

* * * *

(c) **Controls.** The Planning Code provisions for the underlying use district shall control except as provided below.

(1) **Executive Park Design Guidelines.** In addition to the Planning Code provisions, developments in the SUD shall comply with the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan of the General Plan, approved by the Board of Supervisors by Ordinance No. 143-11, on file with the Clerk of the Board of Supervisors in File No. 110624 and the Executive Park Design Guidelines as established by Planning Commission Resolution 18352, on file with the Clerk of the Board of Supervisors in File No.

110626 and incorporated into this Section by this reference. The Executive Park Design Guidelines also are on file with the Planning Department in File No. 2006.0422EMUTZ.

(2) **Uses.**

(A) *Retail Sales and Service* *U*~~u~~ses *as defined in* ~~*under*~~ Planning Code Section *102* ~~*218*~~ are principally permitted at street level throughout the SUD when individual establishments are less than 10,000 square feet of gross floor area. Retail establishments equal to or greater than 10,000 square feet of gross floor area require Permit Design Review under ~~*Planning Code*~~ Section 309.2 *of this Code*. Tenant spaces that are expanded to be 10,000 square feet or greater after initial approval will require addition review under ~~*Planning Code*~~ Section 309.2.

(B) Ground floor retail is required at the two southern corners of the intersection of Executive Park Boulevard North and Thomas Mellon Circle. (Portions of Block 4991, Lots 085 and 086). For each corner, retail frontage is required for a minimum of 100 feet along Executive Park Boulevard North and 50 feet along Thomas Mellon Circle.

(C) Child-]~~e~~*C*are facilities *as defined in Section 102 of this Code* ~~*under Section 209.3(f)*~~ are principally permitted.

(D) Community ~~*f*~~*F*acilities *and Private Community Facilities as defined in Section 102 of this Code* ~~*under Section 209.4(a) and (b)*~~ are principally permitted.

(E) Non-accessory parking is not permitted.

(3) **Required Residential to Non-Residential Use Ratio.** Non-residential uses are limited to one occupiable square foot for every six occupiable square feet of residential use.

(4) **Density Transfer.**

(A) In accordance with the provisions of this ~~s~~Subsection, (i) the density allowed on Block 4991, Lots 024, 061, 065 and 078, and Block 5076, Lots 012 and 013, may be transferred to any other lot within the SUD north of Alana Way or north of the proposed Harney Way setback line and (ii) if the portion of Assessor's Block 4991, Lot 085 south of the Harney setback line becomes its own lot through a subdivision action, the new lot south of the setback line may transfer its density to any other lot north of Alana Way or north of the Harney setback line pursuant to the procedures described in this ~~s~~Subsection. The Blocks and Lots in the SUD and the location of the proposed Harney Way setback line are shown on the map in Figure 249.54(A). In addition, a detailed description of the Harney Way setback line is on file with the Clerk of the Board of Supervisors in File No. 110625 and incorporated into this Section by this reference.

[Figure 249.54(A) is not shown but is not to be deleted.]

(B) To transfer density, a Notice of Special Restriction ("NSR") must be recorded against lots that both provide and receive the density transfer. Prior to recording a NSR for a density transfer, the Planning Department must have verified that the density transfer proposed is authorized by this ~~s~~Subsection. The NSR shall explicitly state the square footage of the providing lot, and the maximum number of residential units and the maximum gross square footage of non-residential uses that are being forgone on the providing lot and transferred to the receiving lot or lots. If density is being distributed between more than one lot, the NSR shall explicitly state how much density each lot is receiving. The NSR must also explicitly state that by transferring density, the providing lot is foregoing all rights to develop on

the providing lot the number of units and amount of non-residential square footage transferred. In all cases, lots receiving density transfers will continue to be subject to all relevant controls and guidelines notwithstanding new maximum allowed density. The NSR memorializing the transfer must be approved as to form by the City Attorney.

* * * *

SEC. 249.61. 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT.

In order to facilitate the development of a neighborhood grocery store at 17th and Rhode Island Street in the Potrero Hill neighborhood, in an area that does not have a proliferation of off-sale Type 20 or Type 21 liquor establishments and previously was zoned M-1 (which permitted liquor stores as a principal permitted use), there shall be a 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the NC-3 zoned block bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1). The following provisions shall apply within the Special Use Subdistrict:

(a) One off-sale Type 20 and Type 21 liquor store, as defined by Section *102* ~~*790.55*~~ of this Code, is permitted as a conditional use on the first or second story, provided that it is operated as an integral element of a grocery store of not less than 30,000 gross square feet.

(b) Nighttime Entertainment, as defined by *Section* 102~~.17~~ of this Code, shall not be permitted.

SEC. 249.65. BAYSHORE BOULEVARD HOME IMPROVEMENT SPECIAL USE DISTRICT.

* * * *

(c) **Controls.** The following controls shall apply in the Bayshore Boulevard Home Improvement Special Use District:

(1) A ~~r~~Retail ~~s~~Sales and ~~p~~Persona ~~s~~Service use as defined in Section 102 ~~218~~ of this Code shall be permitted regardless of the use size limitations in the PDR Zoning Control Table ~~Sections 218~~, however the use size controls set forth in Section 121.6 and 121.8 shall continue to apply.

(2) Establishment of any of the following uses shall require Conditional Use Authorization under Section 303 of this Code:

(A) a ~~f~~Formula ~~r~~Retail use as defined in Section 102 ~~703.3(b)~~ of this Code that is 10,000 square feet or larger;

(B) a ~~l~~Liquor ~~s~~Store as defined in Section 102 ~~790.55~~ of this Code;

(C) a ~~d~~Drive ~~U~~up ~~f~~Facility as defined in Section 102 ~~790.30~~ of this Code;

(D) an ~~a~~Adult Business ~~entertainment~~ establishment as defined in Section 102 ~~221(k)~~ of this Code;

(E) an ~~a~~Automotive use as defined in Section 102 ~~223~~ of this Code; and

(F) a ~~f~~Fringe ~~f~~Financial ~~s~~Service as defined in Section 102 ~~249.35~~ of this Code.

(3) No off-street parking spaces shall be required. The maximum permitted number of accessory off-street parking spaces shall be that which would apply to accessory off-street parking for a PDR-2 District absent this Special Use District.

(4) The following projects shall be consistent with the policies and guidelines of the "Bayshore Boulevard Home Improvement District Design Guidelines" as adopted by the Planning Commission and amended from time to time:

(A) New construction; or

(B) An increase in gross floor area of more than 25 percent.

(5) The provisions set forth in Section 230 of this Code, which relate to demolition of industrial buildings in PDR districts, shall not apply.

(6) The requirements for street trees set forth in Section 428 of this Code shall apply.

(7) Formula retail uses as defined in Section 703.3(b) of this Code that are 10,000 square feet or larger shall be subject to the Redevelopment Agency's Bayview Hunters Point "Employment and Contracting Policy."

* * * *

SEC. 249.67. ART & DESIGN EDUCATIONAL SPECIAL USE DISTRICT.

* * * *

(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to apply, including but not limited to the provisions of the PDR-1-D zoning district, except as otherwise provided in this Section.

(1) **Postsecondary Educational Institutional Uses.** Postsecondary educational institutional uses are exempted from use size limitations and shall be permitted as of right. Postsecondary educational institutional uses for the purposes of academic, professional, business or fine-arts education shall have an institutional master plan considered by the Planning Commission pursuant to Section 304.5 of this Code.

(2) **Student Housing.** Student ~~h~~Housing, as defined by Section 102~~.36~~ of this Code, is permitted subject to the following requirements:

(A) ~~(i)~~ For any housing project within this Special Use District, the standards for development project review, entitlement process, and impact fees of the UMU District shall apply.

(B) ~~(ii)~~ The total number of beds on all parcels within the Special Use District shall not exceed 750. The number of beds per parcel is not limited, but will be determined by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage.

(3) **Temporary Structures.** The Zoning Administrator may authorize a temporary structure without a public hearing provided that the structure is occupied by a use that is permitted by right or is a use authorized by this Section 249.67.

SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC DISTRICTS.

(a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC District, established by the use district provisions of Article 2 of this Code, wherever a

height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that a building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage on the front ~~*facade*~~ *façade* is subject to the conditional use requirement.

(b) ***Commission review of proposals.***

(1) In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, ~~*206 through 206.3*~~ *209.1, 209.2 209.3,* and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the ~~*Master*~~ *General* Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

(2) ~~*(1) On narrow streets and alleys.*~~ In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

SEC. 260. HEIGHT LIMITS: MEASUREMENT.

(a) **Method of Measurement.** The limits upon the height of buildings and structures shall be as specified on the Zoning Map. In the measurement of height for purposes of such limits, the following rules shall be applicable:

(1) The point above which such measurements shall be taken shall be as specified ~~*in the definition of "height" in this Code*~~ *as follows*.

(A) In the case of either (B) or (C) below, such point shall be taken at the centerline of the building or, where the building steps laterally in relation to a street that is the basis for height measurement, separate points shall be taken at the centerline of each building step.

(B) Where the lot is level with or slopes downward from a street at the centerline of the building or building step, such point shall be taken at curb level on such a street. This point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. Measurement of height for any portion of the lot extending beyond such line shall be considered in relation to the opposite (lower) end of the lot, and that portion shall be considered an upward sloping lot in accordance with Subsection (C) below, whether or not the lot also has frontage on a lower street.

(C) Where the lot slopes upward from a street at the centerline of the building or building step, such point shall be taken at curb level for purposes of measuring the height of the closest part of the building within 10 feet of the property line of such street; at every other cross-section of the building, at right angles to the centerline of the building or building step, such point shall be taken as the average of the ground elevations at either side of the building or building step at that cross-section.

The ground elevations used shall be either existing elevations or the elevations resulting from new grading operations encompassing an entire block. Elevations beneath the building shall be taken by projecting a straight line between ground elevations at the exterior walls at either side of the entire building in the same plane.

(D) Where the lot has frontage on two or more streets, the owner may choose the street or streets from which the measurement of height is to be taken, within the scope of the rules stated above.

Where the height limits for buildings and structures are established by this Code, the upper points to be taken for measurement of height shall be as prescribed in the provisions relating to such height limits.

(2) The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a feature not exempted under Subsection (b) below. For any building taller than 550 feet in height in the S-2 Bulk District, the height of the building shall be measured at the upper point of all features of the building and exempted features in such cases shall be limited to only those permitted in ~~s~~Subsection (b)(1)(M) and which are permitted by the Planning Commission according to the procedures of Section 309.

(3) In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level,

according to the definition of "height," as specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

TABLE 260
HEIGHT MEASUREMENT
ON LATERAL SLOPES WHERE
HEIGHT LIMIT IS 65 FEET OR LESS

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet

[NOTE: Diagram not shown but not to be deleted.]

(b) **Exemptions.** In addition to other height exceptions permitted by this Code, the features listed in this Subsection shall be exempt from the height limits established by this Code, in an amount up to but not exceeding that which is specified.

* * * *

(2) The following features shall be exempt, without regard to their horizontal area, provided the limitations indicated for each are observed:

(A) Railings, parapets and catwalks, with a maximum height of four feet.

(B) Open railings, catwalks and fire escapes required by law, wherever situated.

(C) Unroofed recreation facilities with open fencing, including tennis and basketball courts at roof level, swimming pools with a maximum height of four feet and play equipment with a maximum height of 10 feet.

(D) Unenclosed seating areas limited to tables, chairs and benches, and related windscreens, lattices and sunshades with a maximum height of 10 feet.

(E) Landscaping, with a maximum height of four feet for all features other than plant materials.

(F) Short-term parking of passenger automobiles, without additional structures or equipment other than trellises or similar overhead screening for such automobiles with a maximum height of eight feet.

(G) Amusement parks, carnivals and circuses, where otherwise permitted as temporary uses.

(H) Flagpoles and flags, clothes poles and clotheslines, and weathervanes.

(I) Radio and television antennae where permitted as accessory uses and towers and antennae for transmission, reception, or relay of radio, television or other electronic signals, where permitted as principal or conditional uses, subject to the limitations *in the definition for Wireless Facilities in Section 102 of this Code and the Zoning Control Table for the*

district in which the Lot is located ~~*of Subsections 227(h) and (i) of this Code*~~ and limitations imposed by the ~~*City*~~ Planning Commission.

(J) Warning and navigation signals and beacons, light standards and similar devices, not including any sign regulated by this Code.

(K) Public monuments owned by government agencies.

(L) Cranes, scaffolding and batch plants erected temporarily at active construction sites.

(M) Structures and equipment necessary for the operation of industrial plants, transportation facilities, public utilities and government installations, where otherwise permitted by this Code and where such structures and equipment do not contain separate floors, not including towers and antennae for transmission, reception, or relay of radio, television, or other electronic signals where permitted as principal or conditional uses by this Code.

(N) Buildings, structures and equipment of the San Francisco Port Commission, where not subject to this Code due to provisions of the San Francisco Charter or State law.

(O) Additional building height, up to a height of five feet above the otherwise applicable height limit, where the uppermost floor of the building is to be occupied solely by live/work units located within a South of Market District.

(P) Enclosed recreational facilities up to a height of 10 feet above the otherwise applicable height limit when located within a 65-U Height and Bulk District and either an MUO or SSO District, and only then when authorized by the Planning Commission as a conditional use pursuant to Sections 303 and 316 of this Code, provided that the project is designed in

such a way as to reduce the apparent mass of the structure above a base 50 foot building height.

(Q) Historic signs within an historic sign district permitted pursuant to Sections 302, 303 and 608.14 of this Code.

(R) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility sheds of not more than 100 square feet, exclusively for the storage of landscaping and gardening equipment for adjacent rooftop landscaping, with a maximum height of 8 feet above the otherwise applicable height limit.

SEC. 263.28. SPECIAL EXCEPTIONS: SALI DISTRICTS IN THE 40-55-X HEIGHT AND BULK DISTRICT.

* * * *

(c) **Controls.**

(1) **Additional Height Permitted.** In SALI Districts in the 40-55-X Height and Bulk District, buildings are limited to a maximum height of 40 feet unless all of the following criteria are met, in which case they may extend to a maximum height of 55 feet:

(A) At least one ~~s~~*S*tory of the ~~b~~*B*uilding, as defined in Section 102~~.23~~, located on the *First* ~~*ground*~~ ~~s~~*S*tory or above, as defined in Section 102~~.24~~ *under the definition for Story*, is designated for the exclusive use of Arts Activities, as defined in Section 102~~.2~~. If the *First Story* ~~*ground floor*~~ is designed for the use of Arts Activities, it shall also be permitted to contain lobbies, egress, building services, and other features necessary for the operation of the building and permitted uses elsewhere in the building.

(B) Any such story dedicated to arts activities pursuant to ~~s~~Subsections (2) and (3) below, regardless of its location within the building, shall have a minimum floor-to-floor height of 15 feet.

(2) **Timing of Designation.** In the case of the new construction of a building that extends beyond 40 feet in height, exclusive of permitted obstructions under Section 260(b), any designated arts activity story shall be established prior to the issuance of a first building permit or along with any associated Planning Commission action, whichever occurs first. In the case of buildings that were constructed prior to the effective date of this Section that would be expanded such that they would extend beyond 40 feet in height, exclusive of permitted obstructions under Section 260(b), any such story shall be designated prior to the issuance of any building permit or along with any associated Planning Commission action, whichever occurs first.

(3) **Recordation of Designation.** Notice of the designation of the arts activities story shall be recorded as a restriction on the deed of the property along with plans clearly depicting the designated story in relation to the balance of the building. A designated arts activity story may be re-designated to a different story within the same building only if the newly designated story meets the minimum criteria listed above. Such re-designation shall follow all required procedures listed in this Section for the initial designation of an arts activities story. In no case may the designated arts activity story be converted to a use other than arts activity without complete removal of all portions of the building that extend above 40 feet in height, exclusive of permitted obstructions under Section 260(b).

Section 4. Article 3 of the Planning Code is hereby amended by amending Sections 303, 303.1, 304.5, 307, 309.2, 320, and 342.1, to read as follows:

SEC. 303. CONDITIONAL USES.

* * * *

(c) **Determination.** After its hearing on the application, or upon the recommendation of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of this Code and no hearing is required, the Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish *that*:

(1) ~~*That* t~~*T*he proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.~~:~~

~~(A)~~ *If* ~~*In Neighborhood Commercial Districts, if*~~ the proposed use ~~*is to be located at a location in which the square footage*~~ exceeds the *Non-Residential Use Size* limitations *for the district in which the use is located* ~~*found in Planning Code Section 121.2(a) or 121.2(b)*~~, the following shall be considered:

(A) ~~*(i)*~~ The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

(B) ~~*(ii)*~~ The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

(C) ~~*(iii)*~~ The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

(2) ~~*That*~~ ~~s~~Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

(B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

(C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

(D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

(3) ~~*That*~~ ~~s~~Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan; and

(4) ~~*With respect to applications filed pursuant to Article 7 of this Code, that*~~ ~~s~~Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable ~~*Neighborhood Commercial*~~ *Use* District; and

(5) *The use or feature satisfies any criteria specific to the use or feature in Subsections (g), et seq. of this Section.* ~~*(A) With respect to applications filed pursuant to Article 7, Section 703.2(a), for a movie theater use as defined in Planning Code Section 790.64, an Adult Entertainment use as*~~

~~defined in Planning Code Section 790.36, or Other Entertainment uses as defined in Planning Code Section 790.38, that such use or feature will:~~

~~(i) Not be located within 1,000 feet of another such use, if the proposed use or feature is an Adult Entertainment Use, as defined by Section 790.36 of this Code; and/or~~

~~(ii) Not be open between two a.m. and six a.m.; and~~

~~(iii) Not use electronic amplification between midnight and six a.m.; and~~

~~(iv) Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.~~

~~(B) Notwithstanding the above, the Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.~~

~~(C) The action of the Planning Commission approving a conditional use does not take effect until the appeal period is over or while the approval is under appeal.~~

~~(6) With respect to applications for live/work units in RH, RM and RTO Districts filed pursuant to Section 209.9(f) or 209.9(h) of this Code, that:~~

~~(A) Each live/work unit is within a building envelope in existence on the effective date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the building which lawfully contains at the time of application a nonconforming, nonresidential use;~~

~~(B) There shall be no more than one live/work unit for each 1,000 gross square feet of floor area devoted to live/work units within the subject structure; and~~

~~(C) The project sponsor will provide any off-street parking, in addition to that otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by residents of and visitors to the project.~~

~~Such action of the Planning Commission, in either approving or disapproving the application, shall be final except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1.~~

* * * *

(f) **Conditional Use Abatement.** The Planning Commission may consider the possible revocation of a conditional use or the possible modification of or placement of additional conditions on a conditional use when the Planning Commission determines, based upon substantial evidence, that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or the conditional use is not in compliance with a condition of approval, is in violation of law if the violation is within the subject matter jurisdiction of the Planning Commission, or operates in such a manner as to create hazardous, noxious or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Such consideration shall be the subject of a public hearing before the Planning Commission but no fee shall be required of the applicant or the subject conditional use operator.

(1) ***Public Hearing.*** The Director of Planning or the Planning Commission may seek a public hearing on conditional use abatement when the Director or Commission has substantial evidence submitted within one year of the effective date of the Conditional Use authorization that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or substantial evidence of a violation of conditions of approval, a violation of law, or operation which creates hazardous, noxious or offensive conditions enumerated in Section 202(c).

(2) ***Notification.*** The notice for the public hearing on a conditional use abatement shall be subject to the notification procedure ~~as~~ described in Sections 306.3 and 306.8 except that notice to the property owner and the operator of the subject establishment or use shall be mailed by regular and certified mail.

(3) ***Consideration.*** In considering a conditional use revocation, the Commission shall consider whether and how the false or misleading information submitted by the applicant could have reasonably had a substantial effect upon the decision of the Commission, or the Board of Supervisors on appeal, to authorize the conditional use, substantial evidence of how any required condition has been violated or not implemented or how the conditional use is in violation of the law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous, noxious or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission. As an alternative to revocation, the Commission may consider how the use can be required to meet the law or the conditions of approval, how the

hazardous, noxious or offensive conditions can be abated, or how the criteria of Section 303(c) can be met by modifying existing conditions or by adding new conditions which could remedy a violation.

(4) **Appeals.** A decision by the Planning Commission to revoke a conditional use, to modify conditions or to place additional conditions on a conditional use or a decision by the Planning Commission refusing to revoke or amend a conditional use, may be appealed to the Board of Supervisors within 30 days after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). The Board of Supervisors may disapprove the action of the Planning Commission in an abatement matter by the same vote necessary to overturn the Commission's approval or denial of a conditional use. The Planning Commission's action on a conditional use abatement issue shall take effect when the appeal period is over or, upon appeal, when there is final action on the appeal.

(5) **Reconsideration.** The decision by the Planning Commission with regards to a conditional use abatement issue or by the Board of Supervisors on appeal shall be final and not subject to reconsideration within a period of one year from the effective date of final action upon the earlier abatement proceeding, unless the Director of Planning determines that:

(A) There is substantial new evidence of a new conditional use abatement issue that is significantly different than the issue previously considered by the Planning Commission; or

(B) There is substantial new evidence about the same conditional use abatement issue considered in the earlier abatement proceeding, this new evidence was not or could not be reasonably available at the time of the earlier abatement proceeding, and that

new evidence indicates that the Commission's decision in the earlier proceeding has not been implemented within a reasonable time or raises significant new issues not previously considered by the Planning Commission. The decision of the Director of Planning regarding the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use abatement issue within a period of one year from the effective date of final action on the earlier abatement proceeding shall be final.

(g) **Hotels and Motels.** ~~(1)~~ With respect to applications for development of tourist hotels and motels, the Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and (d) above:

(1) ~~(A)~~ The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

(2) ~~(B)~~ The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;

(3) ~~(C)~~ The market demand for a hotel or motel of the type proposed; and

(4) ~~(D)~~ In the Transit Center C-3-O(SD) Commercial Special Use District, the opportunity for commercial growth in the Special Use District and whether the proposed hotel, considered with other hotels and non-commercial uses approved or proposed for major development sites in the Special Use District since its adoption would substantially reduce the capacity to accommodate dense, transit-oriented job growth in the District.

~~*(2) Notwithstanding the provisions of Subsection (g)(1) above, the Planning Commission shall not consider the impact of the employees of a proposed hotel or motel project on the demand in the City for housing where:*~~

~~*(A) The proposed project would be located on property under the jurisdiction of the San Francisco Port Commission; and*~~

~~*(B) The sponsor of the proposed project has been granted exclusive rights to propose the project by the San Francisco Port Commission prior to June 1, 1991.*~~

~~*(3) Notwithstanding the provisions of Subsection (g)(1) above, with respect to the conversion of residential units to tourist hotel or motel use pursuant to an application filed on or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco Administrative Code, the Planning Commission shall not consider the criteria contained in Subsection (g)(1) above; provided, however, that the Planning Commission shall consider the criteria contained in Subsection (g)(1)(B) at a separate public hearing if the applicant applies for a permit for new construction or alteration where the cost of such construction or alteration exceeds $100,000. Furthermore, no change in classification from principal permitted use to conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed applications on or before June 1, 1990 to convert residential units to tourist units pursuant to Chapter 41 of the San Francisco Administrative Code.*~~

(h) **Internet Services Exchange.**

(1) With respect to application for development of Internet Services Exchange as defined in Section *102*, ~~*209.6(c),*~~ the Planning Commission shall, in addition to the criteria set forth in Subsection (c) above, find that:

(A) The intensity of the use at this location and in the surrounding neighborhood is not such that allowing the use will likely foreclose the location of other needed neighborhood-serving uses in the area;

(B) The building in which the use is located is designed in discrete elements, which respect the scale of development in adjacent blocks, particularly any existing residential uses;

(C) Rooftop equipment on the building in which the use is located is screened appropriately.

(D) The back-up power system for the proposed use will comply with all applicable ~~f~~Federal, ~~s~~State, regional, and local air pollution controls.

(E) Fixed-source equipment noise does not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(F) The building is designed to minimize energy consumption, such as through the use of energy-efficient technology, including without limitation, heating, ventilating and air conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as such commercially available technology evolves;

(G) The project sponsor has examined the feasibility of supplying and, to the extent feasible, will supply all or a portion of the building's power needs through on-site power generation, such as through the use of fuel cells or co-generation;

(H) The project sponsor shall have submitted design capacity and projected power use of the building as part of the conditional use application; and

(2) As a condition of approval, and so long as the use remains an Internet Services Exchange, the project sponsor shall submit to the Planning Department on an annual basis power use statements for the previous twelve-month period as provided by all suppliers of utilities and shall submit a written annual report to the Department of Environment and the Planning Department which shall state: (a) the annual energy consumption and fuel consumption of all tenants and occupants of the Internet Services Exchange; (b) the number of all diesel generators located at the site and the hours of usage, including usage for testing purposes; (c) evidence that diesel generators at the site are in compliance with all applicable local, regional, ~~s~~State, and ~~f~~Federal permits, regulations and laws; and (d) such other information as the Planning Commission may require.

(3) The Planning Department shall have the following responsibilities regarding Internet Services Exchanges:

(A) Upon the effective date of the requirement of a ~~c~~Conditional ~~u~~Use ~~permit~~ *authorization* for an Internet Services Exchange, the Planning Department shall notify property owners of all existing Internet Services Exchanges that the use has been reclassified as a conditional use;

(B) Upon the effective date of the requirement of a ~~c~~Conditional ~~u~~Use ~~permit~~ *authorization* for an Internet Services Exchange, the Planning Department shall submit to the Board of Supervisors and to the Director of the Department of Building Inspection a written report covering all existing Internet Services Exchanges and those Internet Services Exchanges seeking to obtain a ~~c~~Conditional ~~u~~Use ~~permit~~ *authorization,* which report shall state the address, assessor's block and lot, zoning classification, square footage of the Internet

Services Exchange constructed or to be constructed, a list of permits previously issued by the Planning and/or Building Inspection Departments concerning the Internet Services Exchange, the date of issuance of such permits, and the status of any outstanding requests for permits from the Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

(C) Within three years from the effective date of the requirement of a ~~c~~*C*onditional ~~u~~*U*se ~~*permit*~~ *authorization* for an Internet Services Exchange, the Planning Department, in consultation with the Department of Environment, shall submit to the Board of Supervisors a written report, which report shall contain the Planning Commission's evaluation of the effectiveness of the conditions imposed on Internet Services Exchanges, and whether it recommends additional or modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and enhance the compatibility of industrial uses, such as Internet Services Exchanges, located near or in residential or commercial districts.

* * * *

(j) ***Change in Use or Demolition of*** **Movie Theater Uses.**

(1) With respect to a change in use or demolition of a ~~m~~*M*ovie ~~t~~*T*heater use as ~~*set forth*~~ *defined* in Sections *102* ~~*221.1*~~, 703.2(b)(1)(B)(ii), 803.2(b)(1)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) Preservation of a ~~m~~*M*ovie ~~t~~*T*heater use is no longer economically viable and cannot effect a reasonable economic return to the property owner.~~;~~

~~(i)~~ For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for *Fair Return on Investment* ~~*"fair return on investment" as*~~ set forth in Section *102* ~~*228.4(a)*~~*; and*

(B) The change in use or demolition of the ~~*m*~~*M*ovie ~~*t*~~*T*heater use will not undermine the economic diversity and vitality of the surrounding ~~*Neighborhood Commercial*~~ District; and

(C) The resulting project will preserve the architectural integrity of important historic features of the movie theater use affected.

* * * *

(l) ***Change in Use or Demolition of*** **General Grocery Store Uses.**

(1) With respect to a change in use or demolition of ~~*g*~~*G*eneral ~~*g*~~*G*rocery ~~*s*~~*S*tore use as ~~*set forth*~~ *defined* in Sections *102* ~~*218.2*~~, 703.2(b)(1)(B)(iii), 803.2(b)(1)(B)(iv) or 803.3 (b)(1)(B)(iii) *of this Code* which use exceeds 5,000 gross square feet, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) Preservation of a ~~*g*~~*G*eneral ~~*g*~~*G*rocery ~~*s*~~*S*tore use is no longer economically viable and cannot effect a reasonable economic return to the property owner. The Commission may disregard the above finding if it finds that the change in use or replacement structure in the case of demolition will contain a general grocery store that is of a sufficient size to serve the shopping needs of nearby residents and offers comparable services to the former general grocery store.

~~(i)~~ For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for *Fair Return on Investment* "~~f~~Fair ~~r~~Return on ~~i~~Investment" ~~as~~ set forth in Section 102 ~~228.4(a).~~; and

(B) The change in use or demolition of the ~~g~~General ~~g~~Grocery ~~s~~Store use will not undermine the economic diversity and vitality of the surrounding neighborhood.

(m) **Tobacco Paraphernalia Establishments.**

(1) With respect to a Tobacco Paraphernalia Establishment, as defined in Section 102 ~~227(v)~~ of this Code, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to contribute directly to peace, health, safety, and general welfare problems, including drug use, drug sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems on the district's public streets and lots;

(B) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco; and

(C) The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

(n) **Massage Establishments.**

(1) With respect to Massage Establishments that are subject to Conditional Use authorization, as defined in Sections *102* ~~*218.1*~~, 790.60, and 890.60 of this Code, in addition to the criteria set forth in Subsection (c) above, the Commission shall make the following findings:

(A) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section ~~1908~~ 29.25 of the San Francisco Health Code;

(B) Whether the use's ~~*facade*~~ *façade* is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a fa~~c~~çade include:

(i) active street frontage of at least 25~~'~~ *feet* in length where 75~~%~~ *percent* of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level;

(ii) windows that use clear, untinted glass, except for decorative or architectural accent;

(iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;

(C) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged:

(D) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.

(o) **Eating and Drinking Uses.** ~~*(1) Conditional Use Criteria.*~~ With regard to a ~~*c*~~*C*onditional ~~*u*~~*U*se authorization application for a Restaurant, Limited-Restaurant and Bar uses ~~*in Neighborhood Commercial Districts or Mixed Use Districts,*~~ the Planning Commission shall consider, in addition to the criteria set forth in Subsection (c) above,~~*: (A) The*~~ *the* existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25~~%~~ *percent* of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

(p) ***Adult Business and Other Entertainment Uses.***

(1) With respect to conditional use authorization applications for Adult Business and Other Entertainment uses, such use or feature shall:

(A) If the use is an Adult Business, it shall not be located within 1,000 feet of another such use; and/or

(B) Not be open between two a.m. and six a.m; and

(C) Not use electronic amplification between midnight and six a.m.; and

(D) Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-

source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(2) Notwithstanding the above, the Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in (q)(1)(B) and/or (q)(1)(C) above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

(3) The action of the Planning Commission approving a conditional use does not take effect until the appeal period is over or while the approval is under appeal.

(q) ***Power Plants.*** *The controls of this Subsection shall apply to all Power Plants in M-1, M-2, and PDR-1-G, and PDR-2 Districts, including any intensification of a Power Plants as described in Section 178(c)(2).*

(1) ***Criteria.*** *In acting on any application for Conditional Use authorization for a Power Plant, the Commission shall consider the conditional use authorization requirements set forth in Subsection (c) above and, in addition, shall only approve an application for a Conditional Use authorization if facts are presented to establish that, on the basis of the record before the Commission:*

(A) The benefits to the City's energy system resulting from the energy generated by the proposed power plant cannot be obtained in a reasonable time from a technically and economically feasible power plant and/or energy conservation project that would have materially fewer potential environmental impacts considering, but not limited to, the following: (i) Emissions of criteria air pollutants and greenhouse gas emissions; (ii) Storm-water and wastewater discharges; and (iii) noise and vibration impacts.

(B) A newly proposed Power Plant use would not directly and adversely impact existing or reasonably foreseeable adjoining land uses, or, as applied to a prior nonconforming use, the extension of the power plant use or the increase in intensity of the use would not result in increased direct and adverse impacts on existing or reasonably foreseeable adjoining land uses; and

(C) Granting Conditional Use authorization would not reasonably be expected to leave known contamination in place in such a way that would prolong or increase public health risks associated with such contamination at levels inconsistent with a risk-based remediation consistent with the proposed power plant use; and

(D) Granting Conditional Use authorization would not reasonably be expected to preclude future redevelopment and reuse of the property for non-power plant uses.

*(2) **Written Findings.** The Planning Commission shall make detailed written findings explaining the basis for its decision under this Section.*

*(3) **Severability.** In the event that a court or agency of competent jurisdiction holds that Federal or State law, rule, or regulation invalidates any clause, sentence, paragraph of this Section or the application thereof to any person or circumstances, it is intended that the court or agency sever such clause, sentence, paragraph or section so that the remainder of this Section shall remain in effect.*

SEC. 303.1. FORMULA RETAIL USES.

* * * *

(b) **Definition.** A Formula Retail use is hereby defined as a type of retail sales or service activity or retail sales or service establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven establishments either in

operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

(1) Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(2) Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

(3) Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

(4) Decor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

(5) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

(6) Facade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(7) Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.

(8) Signage shall be defined as business sign pursuant to Section 602.3 of the Planning Code.

(c) **"Retail Sales or Service Activity or Retail Sales or Service Establishment."** For the purposes of this Section 303.1, a retail sales or service activity or retail sales or service establishment shall include the following uses whether functioning as a principal or accessory use, as defined in Articles 1, 2, 7, and 8 of this Code:

(1) Bar;

(2) Drive-up Facility;

(3) Eating and Drinking Use;

(4) Liquor Store;

(5) Sales and Service, Other Retail;

(6) Restaurant;

(7) Limited-Restaurant;

(8) Take-Out Food;

(9) Sales and Service. Retail;

(10) Service, Financial;

(11) Movie Theater;

(12) Amusement and Game Arcade;

(13) Service, Limited Financial, except single automated teller machines at the street front that meet the Commission's adopted Performance-Based Design Guidelines and automated teller machines located within another use that are not visible from the street;

(14) Service, Fringe Financial;

(15) Tobacco Paraphernalia Establishment;

(16) Massage Establishment; ~~and~~

(17) Service, Personal~~.~~;

(18) Service, Instructional; and

(19) Gym.

* * * *

SEC. 304.5. INSTITUTIONAL MASTER PLANS.

* * * *

(b) **When Required.** Each *Hospital* ~~*medical institution*~~ and each ~~p~~Post-~~sA~~Secondary ~~e~~Educational ~~i~~Institution in the City and County of San Francisco *(for the purposes of this Section collectively referred to as "institution(s)")*, including ~~G~~group ~~H~~housing affiliated with and operated by any such institution~~, as described in Sections 209.2(c), 209.3(a) and (i), 216(a), and 217(a) and (h) of this Code,~~ shall have on file with the Planning Department a current institutional master plan describing the existing and anticipated future development of that institution as provided in Subsection (c) below. Medical and educational institutions of less than 50,000 square feet or medical and educational institutions of less than 100,000 square feet in the C-3 district may submit an Abbreviated Institutional Master Plan as described in Subsection (d) below.

Thereafter, at intervals of two years, each such institution shall file an Update with the Planning Department describing the current status of its institutional master plan. The requirements for an update are provided in Subsection (f) below.

The Zoning Administrator shall be notified whenever the following occur to determine whether a new Institutional Master Plan or an Update shall be required: there are significant revisions to the information contained in the Institutional Master Plan; or 10 years have passed since the last Institutional Master Plan was submitted and heard by the Planning Commission (as described by Subsection (e) below). Significant revisions may include plans to construct new facilities that were not previously discussed in the Institutional Master Plan, plans to demolish existing facilities that were not discussed in the Institutional Master Plan, closure of an existing unit, opening of a new unit, change in use of an existing unit or inpatient facility, an increase in the institutions size by 10,000 square feet or 25% of total square footage (whichever is less), or significant changes in use of existing facilities that were not discussed in the Institutional Master Plan.

SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.

In addition to those specified in Sections 302 through 306, and Sections 316 through 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this Section shall be performed under the general supervision of the Director of Planning, who shall be kept informed of the actions of the Zoning Administrator.

* * * *

(j) **Conversion from Student Housing to Non-Student Residential Use.** If a residential project no longer qualifies as Student Housing as defined in Planning Code Section 102.~~36~~, the Zoning Administrator may allow the conversion of the Student Housing to any permitted residential use in the zoning district in which the Student Housing is located upon

determination that the converted Student Housing has complied with any applicable Inclusionary Affordable Housing Requirements as outlined in Planning Code Section 415.3(c)(5)(C)(iii), and that all other Planning Code requirements applicable to that residential use have been met or modified through appropriate procedures.

SEC. 309.2. PERMIT REVIEW IN THE EXECUTIVE PARK SPECIAL USE DISTRICT.

The provisions and procedures set forth in Section 309.1, applicable in Downtown Residential Districts, shall also apply in the Executive Park Special Use District (SUD) to achieve the objectives and policies of the General Plan and the purposes of this Code, including but not limited to Section 249.54 and Section 263.27, except that Section 309.2(a) and (b) shall apply instead of the provisions in Section 309.1(a) and (b), the provisions of Section 309.1(c) are modified as provided in Section 309.2(c) and Section 309.1(e) is inapplicable in the SUD.

(a) **Design Review.**

(1) In addition to the standard permit review process, the design of projects for all new construction shall be subject to design review and approval by Department staff. A detailed design review will be initiated by Department staff working with the project sponsor, at the time an application for Section 309.2 review or building permit is filed, and may take place in advance of filing a building permit application. This comprehensive review shall resolve issues related to the project's design, including the following:

(A) Overall building massing and scale;

(B) Architectural treatments, facade design and building materials;

(C) The design of lower floors, including building setback areas, townhouse-style units and entries, and parking and loading access;

(D) The provision of required open space, both on- and off-site;

(E) Streetscape and other public improvements, including tree planting, street furniture, and lighting and adherence to all relevant regulations, plans and guidelines;

(F) Circulation, including streets, alleys and mid-block pedestrian pathways.

(2) For review of projects that include ~~*retail*~~ space *for Retail Sales and Service uses as defined* ~~*specified*~~ in ~~*Planning*~~ Code Section *102*~~*218*~~ of 10,000 gross square feet or more, the Planning Commission shall consider the criteria in Section 121.2(a)(1)-(3).

(3) Other changes necessary to bring a project into conformance with the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, approved by the Board of Supervisors on July 12, 2011, the Executive Park Design Guidelines, approved by the Planning Commission by Resolution No. 18352 and incorporated by this reference into this Section, and other elements and area plans of the General Plan. If the project sponsor opposes project modifications and conditions recommended by the Director of Planning pursuant to the design review, the Director shall prepare a report of recommended modifications which shall be presented to the Planning Commission for a hearing pursuant to Subsection (c) and which shall be available to the public upon mail notification of said hearing.

* * * *

SEC. 317. LOSS OF DWELLING UNITS THROUGH MERGER, CONVERSION, AND DEMOLITION.

(a) **Findings.** San Francisco faces a continuing shortage of affordable housing. There is a high ratio of rental to ownership tenure among the City's residents. The General Plan recognizes that existing housing is the greatest stock of rental and financially accessible residential units, and is a resource in need of protection. Therefore, a public hearing will be held prior to approval of any permit that would remove existing housing, with certain exceptions, as described below. The Planning Commission shall develop a Code Implementation Document setting forth procedures and regulations for the implementation of this Section 317 as provided further below. The Zoning Administrator shall modify economic criteria related to property values and construction costs in the Implementation Document as warranted by changing economic conditions to meet the intent of this Section.

(b) **Definitions.** For the purposes of this Section 317, the terms below shall be defined as follows:

(1) "Residential Conversion" shall mean the removal of cooking facilities in a Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the change of use (as defined and regulated by the Planning Code), of any Residential Use or Live-Work Unit to a non-residential use. The change of occupancy from a ~~d~~Dwelling ~~u~~Unit, ~~g~~Group ~~h~~Housing, or SRO to Student Housing is also considered a conversion of a Residential Unit. Notwithstanding the foregoing, the change of use or occupancy of a ~~d~~Dwelling ~~u~~Unit, ~~g~~Group ~~h~~Housing, or SRO to Student Housing is not considered a conversion of a Residential Unit if the ~~d~~Dwelling ~~u~~Unit, ~~g~~Group ~~h~~Housing or SRO will be Student Housing

owned, operated or otherwise controlled by a not for profit ~~p~~Post-~~s~~Secondary Educational Institution and

(A) it was built by the post-secondary Educational Institution;

(B) it is in a convent, monastery, or similar religious order facility;

(C) it is on an adjoining lot (i.e., sharing the same lot line) to the ~~p~~Post-~~s~~Secondary Educational Institution, so long as the lot has been owned by the ~~p~~Post-~~s~~Secondary Educational Institution for at least ten years as of the effective date of Ordinance 188-12; or

(D) as of August 10, 2010, it was owned, operated or otherwise controlled by a ~~p~~Post-~~s~~Secondary Educational Institution that had an Institutional Master Plan on file with the Planning Commission, and where the occupancy by those other than students at that date was less than 20% of the total occupants. For purposes of determining occupancy, the ~~p~~Post-~~s~~Secondary Educational Institution shall present to the Planning Department verified information regarding its rental or lease of units as of that date.

(2) "Residential Demolition" shall mean any of the following:

(A) Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or

(B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or

(C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.

(D) The Planning Commission may reduce the above numerical elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is necessary to implement the intent of this Section 317, to conserve existing sound housing and preserve affordable housing.

(3) "*Façade*" ~~*Facade*~~ *is defined in Section 102 of this Code* ~~*shall mean an entire exterior wall assembly, including but not limited to all finishes and siding, fenestration, doors, recesses, openings, bays, parapets, sheathing and framing*~~.

(4) "Front *Façade* ~~*Facade*~~" *is defined in Section 102 of this Code.* ~~*shall mean the portion of the Façade Facade fronting a right-of-way, or the portion of the Facade most closely complying with that definition, as in the case of a flag lot. Where a lot has more than one frontage on rights-of-way, all such frontages shall be considered Front Facades except where a facade meets the definition of "Rear Facade."*~~

(5) "Horizontal Elements" shall mean all roof areas and all floor plates, except floor plates at or below grade.

(6) "Mandatory Discretionary Review" *is defined in Section 102 of this Code* ~~*shall mean a hearing before the Planning Commission that is required by this Section 317 at which the Commission will determine whether to approve, modify or disapprove a permit application*~~.

(7) "Residential Merger" shall mean the combining of two or more legal Residential Units, resulting in a decrease in the number of Residential Units within a building, or the enlargement of one or more existing units while substantially reducing the size of others by more than 25% of their original floor area, even if the number of units is not reduced. The Planning Commission may reduce the numerical element of this criterion by up to 20% of its value should it deem that adjustment is necessary to implement the intent of this Section 317, to conserve existing housing and preserve affordable housing.

(8) "Rear *Façade* ~~*Facade*~~" *is defined in Section 102 of this Code* ~~*shall mean that portion of the Facade facing the part of a lot that most closely complies with the applicable Planning Code rear yard requirements*~~.

(9) "Removal" shall mean, with reference to a wall, roof or floor structure, its dismantling, its relocation or its alteration of the exterior function by construction of a new building element exterior to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the Building Code requirement for legal head room shall be considered demolished. Where exterior elements of a building are removed and replaced for repair or maintenance, in like materials, with no increase in the extent of the element or volume of the building, such replacement shall not be considered Removal for the purposes of this Section. The foregoing does not supersede any requirements for or restrictions on noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

(10) "Removal" shall mean, with reference to a Residential Unit, its Conversion, Demolition, or Merger.

(11) "Residential Building" *is defined in Section 102 of this Code* ~~*shall be mean any structure containing one or more Residential Uses or Live Work Units as a principal use, regardless of any other uses present in the building*~~.

(12) "Residential Unit" shall mean a legal conforming or nonconforming ~~*d*~~*D*welling ~~*u*~~*U*nit ~~*as defined in Planning Code Section 102.7,*~~ or a legal nonconforming Live/Work Unit ~~*as defined in Planning Code Section 102.13,*~~ or Group Housing, which are defined in ~~*Planning Code*~~ Section 102 of this Code ~~*209.2(a), (b), and (c)*~~); provided, however, this definition shall not include a Residential Unit in a Residential Hotel, as defined and regulated by Chapter 41 of the San Francisco Administrative Code.

(13) "Vertical Envelope Elements" shall mean all exterior walls that provide weather and thermal barriers between the interior and exterior of the building, or that provide structural support to other elements of the building envelope.

* * * *

SEC. 320. OFFICE DEVELOPMENT; DEFINITIONS.

When used in Sections 320, 321, 322 and 323, the following terms shall each have the meaning indicated. *See also Section 102.*

* * * *

(f) "Office space" shall mean space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others services at that location, including but not limited to professional, banking, insurance, management, consulting, technical, sales and design, or the office functions of manufacturing and warehousing businesses, but shall exclude the following: Retail use; repair; any business

characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; any facility, other than physicians' or other individuals' offices and uses accessory thereto, customarily used for furnishing medical services, and design showcases or any other space intended and primarily suitable for display of goods. This definition shall include all uses encompassed within Section ~~219~~ *102* of this Code.

SEC. 342.1. DEFINITIONS.

As used in these Sections 342 to 342.10, ~~*the following terms shall have the following meanings:*~~

~~*(a)*~~ "Medical Use" shall mean a use as defined in Sections 790.114, 790.44, 890.114, 890.44, ~~*209.3(a), 217(a) and (c)*~~ of ~~*the*~~ *this* ~~*Planning*~~ Code *or a Hospital or Health Service use as defined in Section 102 of this Code* , excluding any housing operated by a medical provider or any massage use.

Section 5. Article 4 of the Planning Code is hereby amended by amending Sections 401, 411.13, 415.3, and 417.2, to read as follows:

SEC. 401. DEFINITIONS.

In addition to the specific definitions set forth elsewhere in this Article, the following definitions shall govern interpretation of this Article:

* * * *

"Board" or "Board of Supervisors." *As defined in Section 102.* ~~*The Board of Supervisors of the City and County of San Francisco.*~~

"Change of Use." ~~As defined in Section 102. A change of gross floor area from one category of use to another category of use listed in the use table for the zoning district of the subject lot.~~ A change of gross floor area from one category of use to another category of use listed in the use table for the zoning district of the subject lot.

"Child-care facility." *As defined in Section 102.* ~~*A child-care facility as defined in California Health and Safety Code Section 1596.750.*~~

"Child-care provider." A provider as defined in California Health and Safety Code Section 1596.791.

"City" or "San Francisco." *As defined in Section 102.* ~~*The City and County of San Francisco.*~~

"Commission" or "Planning Commission." *As defined in Section 102.* ~~*The San Francisco Planning Commission.*~~

"Community apartment." As defined in San Francisco Subdivision Code Section 1308(b).

"Community facilities." *As defined in Section 102.* ~~*All uses as defined under Section 209.4(a) and 209.3(d) of this Code.*~~

"Condition(s) of approval." ~~*or "conditions of approval."*~~ *As defined in Section 102.* ~~*A condition or set of written conditions imposed by the Planning Commission or another permit-approving or issuing City agency or appellate body to which a project applicant agrees to adhere and fulfill when it receives approval for the construction of a development project subject to this Article.*~~

"Condominium." As defined in California Civil Code Section 783.

"Cultural/Institution/Education (CIE)." An economic activity category subject to the TIDF that includes, but is not limited to, *S*~~s~~chools *and Post-Secondary Educational Institutions*, ~~*as*~~

~~*defined in Sections 209.3(g), (h), and (i) and 217(f)(i) of this Code*~~; ~~e~~*C*hild ~~e~~*C*are ~~f~~*F*acilities ~~*as defined in Sections 209.3(e) and (f)*~~; museums and zoos *considered Public Facilities*; and ~~e~~*C*ommunity ~~f~~*F*acilities *and Private Community Facilities*, as defined in Section~~s *209.4 and 221(a)(e)*~~ *102* ~~*of this Code*~~.

"DBI." *As defined in Section 102.* ~~*The San Francisco Department of Building Inspection or its successor.*~~

* * * *

"Department" or "Planning Department." *As defined in Section 102.* ~~*The San Francisco Planning Department or the Planning Department's designee, including the Mayor's Office of Housing and other City agencies or departments.*~~

* * * *

"Development impact fee." *As defined in Section 102.* ~~*A fee imposed on a development project as a condition of approval to mitigate the impacts of increased demand for public services, facilities or housing caused by the development project that may or may not be an impact fee governed by the California Mitigation Fee Act (California Government Code Section 66000 et seq.).*~~

* * * *

"Director." *As defined in Section 102.* ~~*The Director of Planning or his or her designee.*~~

"Director of Transportation." The Director of Transportation of the MTA or his or her designee(s).

"DPW." *As defined in Section 102.* ~~*The Department of Public Works, or its successor.*~~

* * * *

"Entertainment use." *For the purposes of this Section shall mean* ~~S~~space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of *Nighttime Entertainment, General Entertainment, Adult Businesses, and Movie Theater* uses *as defined in Section 102* ~~*defined in San Francisco Planning Code Sections 102.17 (Nighttime Entertainment), 790.38 and 890.37 (Other Entertainment), 790.36 and 890.36 (Adult Entertainment), 790.64 and 890.64 (Movie Theater), and 790.4 and 890.4 (Amusement Arcade),*~~ regardless of the zoning district that the use is located in.

* * * *

"Gross floor area." The total area of each floor within the building's exterior walls, as defined in Section 102~~.9~~ of this Code, except that for the purposes of determining the applicability of the TIDF, the exclusion from this definition set forth in *Subsection* ~~*Section 102.9*~~(b)(12) *of the definition of Gross Floor Area* shall not apply.

"Hotel" or "Hotel use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of *a Hotel* uses *as* defined in ~~*San Francisco Planning*~~ Code Section~~*s*~~ 102 ~~*790.46 and 890.46*~~, regardless of the zoning district that the use is located in.

* * * *

"In-Kind Agreement." *As defined in Section 102.* ~~*An agreement acceptable in form and substance to the City Attorney and the Director of Planning, under which the project sponsor agrees to provide a specific set of community improvements, at a specific phase of construction, in lieu of contribution to the relevant Fund.*~~

"Infrastructure." Open space and recreational facilities; public realms improvements such as pedestrian improvements and streetscape improvements; public transit facilities; and community facilities such as libraries, child care facilities, and community centers.

"In lieu fee." *As defined in Code Section 102.* ~~*A fee paid by a project sponsor in lieu of complying with a requirement of this Code and that is not a development impact fee governed by the Mitigation Fee Act.*~~

"Institutional use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of *an Institutional use as defined in Code Section 102.* ~~*uses contained in San Francisco Planning Code Section 217 and 890.50,*~~ regardless of the zoning district that the use is located in.

~~*"Integrated PDR use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of Integrated PDR Uses as uses defined in San Francisco Planning Code Section 890.49, regardless of the zoning district that the use is located in.*~~

* * * *

"Licensed Child-~~*c*~~Care ~~*f*~~Facility." *As defined in Section 102.* ~~*A child care facility which has been issued a valid license by the California Department of Social Services pursuant to California Health and Safety Code Sections 1596.80-1596.875, 1596.95-1597.09, or 1597.30-1597.61.*~~

* * * *

"Long term housing." *As defined in Section 102.* ~~*Housing intended for occupancy by a person or persons for 32 consecutive days or longer.*~~

* * * *

"Net addition." *As defined in e Section 102.* ~~*The total amount of gross floor area defined in Planning Code Section 102.9 contained in a development project, less the gross floor area contained in any structure demolished or retained as part of the proposed development project.*~~

* * * *

"Non-residential use." *As defined in Section 102.*~~*Space within any structure or portion thereof intended or primarily suitable for or accessory to occupancy by retail, office, commercial, or other non-residential uses defined in Section 209.3, 209.8, 217, 218, 219, 221, and 227 of this Code, except uses 227(a), (b), and (p), regardless of the zoning district that the use is located in; except that residential components of uses defined in Section 209.3(a)(c) and (g)(i) shall be defined as a "residential use" for purposes of this Article. For the purposes of this Article, non-residential use shall not include PDR and publicly owned and operated community facilities.*~~

"Notice of Special Restrictions." *As defined in Section 102.* ~~*A document recorded with the San Francisco Recorder's Office for any unit subject to the Inclusionary Housing Program detailing the sale and resale or rental restrictions and any restrictions on purchaser or tenant income levels included as a Condition of Approval of the principal project relating to the unit.*~~

"Office use." *As defined in Section 102.* ~~*Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Section 890.70, regardless of the zoning district that the use is located in.*~~

* * * *

"PDR use." *As defined in Section 102.* ~~*An economic activity category under the TIDF that includes, but is not limited to, uses defined in San Francisco Planning Code Sections 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p), regardless of the zoning district that the use is located in.*~~

* * * *

"Residential use." *As defined in Section 102.* ~~*Space within any structure or portion thereof intended or primarily suitable for or accessory to occupancy by uses defined in San Francisco Planning Code Sections 209.1, 790.88, and 890.88, as relevant for the subject zoning district, or containing group housing as defined in Section 209.2(a)-(c) of this Code and any residential components of institutional uses as defined in Section 209.3(a)-(c) and (g)-(i) of this Code.*~~

"Retail/entertainment." An economic activity category under the TIDF that includes, but is not limited to, a retail use; an entertainment use; and massage establishments, as defined in Section *102* ~~*218.1 of this Code*~~.

"Retail use." *For the purposes of this Section, space* ~~*Space*~~ within any structure or portion thereof intended or primarily suitable for or accessory to the operation of uses contained in ~~*San Francisco Planning Code Section 218*~~ *the definition of Retail Sales and Services in Section 102, excluding any use that is also considered a PDR Use per Section 102*, regardless of the zoning district that the use is located in.

* * * *

"Small Enterprise Workspace use." *As defined in Section 102*. ~~*Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Section 227(t), regardless of the zoning district that the use is located in.*~~

* * * *

"Student Housing." As defined in ~~*Planning Code*~~ Section 102~~*.36*~~.

* * * *

"Use." *As defined in Section 102.* ~~*The purpose for which land or a structure, or both, are legally designed, constructed, arranged, or intended, or for which they are legally occupied or maintained, let or leased.*~~

* * * *

"Visitor services." An economic activity category under the TIDF that includes, but is not limited to, *H*~~h~~otel use; *M*~~m~~otel use, *as defined in Section 102 of this Code* ~~*216(c) and (d)*~~; and time-share projects, as defined in Section 11003.5(a) of the California Business and Professions Code.

* * * *

SEC. 411.3. APPLICATION OF TIDF.

(a) **Application.** Except as provided in Subsections (1) and (2) below, the TIDF shall be payable with respect to any new development in the City for which a building or site permit is issued on or after September 4, 2004. In reviewing whether a development project is subject to the TIDF, the project shall be considered in its entirety. A sponsor shall not seek multiple applications for building permits to evade paying the TIDF for a single development project.

(1) The TIDF shall not be payable on new development, or any portion thereof, for which a TIDF has been paid, in full or in part, under the prior TIDF Ordinance (former Chapter 38 of the Administrative Code as amended through June 30, 2010), except where

(A) ~~g~~*G*ross ~~s~~*S*quare ~~f~~*F*eet of use is being added to the building; or

(B) the TIDF rate for the new development is in an economic activity category with a higher fee rate than the current rate for the economic activity category under which the TIDF was originally paid, as set forth in Section 411.3(e).

(2) No TIDF shall be payable on the following types of new development.

* * * *

(F) The following types of new developments, except to the extent that any such new development is also captured under a more specific use under this Code that is not otherwise exempt:

(i) Public *Facility,* ~~*facilities/utilities*~~ *Internet Service Exchange and Utility Installation uses,* as defined in Section *102* ~~*209.6*~~ of this Code, except that this exclusion

shall not apply to new development on property owned by a private person or entity and leased to the City;

(ii) *Agricultural and Non-Commercial Entertainment and Recreation uses* ~~*Open recreation/horticulture*~~, as defined in Section *102* ~~*209.5*~~ of this Code~~*, including private noncommercial recreation open use, as referred to in Section 221(g) of this Code;*~~

(iii) *Private and Public Auto Parking Garages and Lots* ~~*Vehicle storage and access*~~, as defined in Section *102* ~~*209.7*~~ of this Code;

(iv) Automotive services, *which includes Public and Private Parking Lots, Public and Private Parking Garages, Parcel Delivery Services, Ambulance Services, Vehicle Storage Lots and Garages, and Truck Terminal*s as defined in Section *102* ~~*223(l) (v)*~~ of this Code, that are in a new development, where the project sponsor has met the deadline established in Section 411.3(a)(3);

(v) Wholesale *S*~~s~~torage ~~*of materials and equipment*~~, as defined in Section *102* ~~*225*~~ of this Code, where the project sponsor has met the deadline established in Section 411.3(a)(3);

(vi) *Mortuary, Public Facility, Utility Installation, Public Transport Facility, Wireless Telecommunication Facility, Temporary Uses, Waterborne Commerce, and Internet Service Exchange Uses as defined in Section 102 of this Code, as well as Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.* ~~*Other Uses, as defined in Section 227(c) (l), (n) (o), and (q) (r) of this Code;*~~

(3) The exclusions from TIDF set forth in Section 411.3(a)(2)(F)(iv) and (v) (automotive services and ~~*w*~~*W*holesale ~~*s*~~*S*torage ~~*of materials and equipment*~~) shall only apply

where a project sponsor for a new development has filed an application for environmental evaluation, a categorical exemption or a preliminary project assessment for the project on or before the effective date of Ordinance No. 18-14, or, for new development subject to a redevelopment plan, development agreement, interagency cooperation agreement, or other agreement entered into by the City, the project sponsor submits proof that the sponsor has submitted to the successor agency to the former Redevelopment Agency of the City and County of San Francisco documentation comparable to that required for an application for environmental evaluation, a categorical exemption or a preliminary project assessment for the project, on or before the effective date of Ordinance No. 18-14.

(b) **Timing of Payment.** ~~*Except for those Integrated PDR projects subject to Section 328 of this Code, the*~~ *The* TIDF shall be paid prior to issuance of the first construction document, with an option for the project sponsor to defer payment until prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13 of the San Francisco Building Code. Under no circumstances may any City official or agency, including the Port of San Francisco, issue a certificate of final completion and occupancy for any new development subject to the TIDF until the TIDF has been paid.~~;~~

* * * *

(d) **Credits.** When determining the number of gross square feet of use to which the TIDF applies, the Department shall provide the following credits:

(1) **Prior Use Credits.** There shall be a credit for prior uses eliminated on the site. The credit shall be calculated according to the following formula:

(A) There shall be a credit for the number of gross square feet of use being eliminated by the new development, multiplied by an adjustment factor to reflect the difference in the fee rate of the use being added and the use being eliminated. The adjustment factor shall be determined by the Department as follows:

(i) The adjustment factor shall be a fraction, the numerator of which shall be the fee rate which the Department shall determine, in consultation with the MTA, if necessary, applies to the economic activity category in the most recent calculation of the TIDF Schedule approved by the Board or Supervisors for the prior use being eliminated by the project.

(ii) The denominator of the fraction shall be the fee rate for the use being added, as set forth in the most recent calculation of the TIDF Schedule approved by the Board of Supervisors.

(B) A credit for a prior use may be given only if the prior use was active on the site within five years before the date of the application for a building or site permit for the proposed use.

(C) As of September 4, 2004, no sponsor shall be entitled to a refund of the TIDF on a building for which the fee was paid under the former Chapter 38 of the San Francisco Administrative Code.

(D) Notwithstanding the foregoing, the adjustment factor shall not exceed one.

(2) **Policy Credits.** Development projects that meet the criteria outlined in Subsection 411.3(d)(2)(B) may receive Policy Credits, subject to the following limitations:

(A) **Limit on Available Policy Credits.** When making a determination under this Article for the amount of TIDF owed, the Department shall allocate available Policy Credits, described in Section 411.3(d)(2)(B), as follows:

(i) No development project shall receive a Policy Credit under Section 411.3(d)(2)(B) if the total amount of credits received by development projects under that section would exceed 3% of the total anticipated TIDF revenue for the current Fiscal Year. To the extent Policy Credits allowed in any Fiscal Year are not allocated, the unallocated amount shall be carried over to the next Fiscal Year. The amount to be carried over to the next Fiscal Year shall be calculated based upon 3% of the sum of the actual TIDF revenues collected during the current Fiscal Year and the total amount of policy credits granted during the current Fiscal Year.

(ii) In no event shall the Policy Credits for a single development exceed 100% of the total TIDF that would otherwise be due.

(B) The Planning Department shall maintain and shall make available on the Planning Department's website, a list showing:

(i) All development projects receiving Policy Credits under Section 411.3(d)(2)(C) of this Article, and, if applicable, the date(s) of approval and the issuance of any building or site permit;

(ii) The total amount of Policy Credits received with respect to each listed development project;

(iii) Any Policy Credits allocated to a development project the site permit for which is modified, cancelled, revoked, or has expired;

(iv) Such other information as the Department may determine is appropriate.

(C) **Available Policy Credits.** The following development projects may receive Policy Credits, subject to the limitations set forth in Section 411.3(d)(2)(A):

(i) **Small Businesses.** Businesses that either occupy or expand any preexisting non-residential space, provided that: (a) the gross square footage of such non-residential space is not greater than 5,000 square feet, and (b) the business is not formula retail, as defined in this Code. Only the gross square footage dedicated to such business shall be eligible for the Policy Credit.

(ii) **Reduced Parking Developments.** In zoning districts that set a parking maximum, development projects that provide a lower number, or ratio, of off-street parking than permitted on an as-of-right basis without conditional use authorization in Table 151.1 of this Code. The credit shall be determined by the Department as follows:

Max. Allowed in Planning Code Table 151.1	50% of Max. or less	More than 50% but less than 60% of Max.	60% or more but less than 75% of Max.	75% or more but less than 90% of Max.	90% of Max. or more
TIDF Credit	90%	80%	50%	20%	0%

(D) **Process for Allocation of Policy Credits.** The Policy Credits described in this Section shall be allocated to qualifying development projects by the Zoning Administrator at the moment their first entitlement is approved by the Planning Commission or the Planning Department. In addition, the following considerations shall apply:

(i) If a development project is modified for any reason after it is first approved, and such modification would result in a potential increase in the amount of Policy Credits allocated to it, the development project shall maintain the credits allocated on the list described in Section 411.3(d)(2)*(B)*~~(A)(v)~~. Any additional credit may only be allocated at the time such modification is approved, subject to the limits of Section 411.3(d)(2)(A)(i).

(ii) If a development project is modified for any reason after it is first approved, and such modification would result in a potential decrease in the amount of Policy Credits allocated to it, the remainder Policy Credits shall become available for other qualifying development projects during the approval period on account of such a modification.

(iii) The maximum amount of Policy Credits available for the approval period shall be increased by the amount of Policy Credits allocated to a development project for which an issued site or building permit has been finally cancelled or revoked, or has expired, with the irrevocable effect of preventing construction of the development.

(3) **Limitation.** In no event shall the combined Policy Credits and Prior Use Credits for a single development exceed 100% of the total TIDF that would otherwise be due.

* * * *

SEC. 415.3. APPLICATION.

(a) Notwithstanding any other provision to the contrary in this Code, Section 415.1 *et seq.* shall apply to any housing project that consists of ten or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with ten or more units, even if the development is on separate but adjacent lots; and

(1) Does not require Commission approval as a Conditional Use ~~A~~authorization or Planned Unit Development;

(2) Requires Commission approval as a Conditional Use Authorization or Planned Unit Development;

(3) Consists of ~~l~~Live/~~w~~Work ~~u~~Units as defined by Section 102~~.13~~ of this Code; or

(4) Requires Commission approval of replacement housing destroyed by earthquake, fire or natural disaster only where the destroyed housing included units restricted under the Inclusionary Affordable Housing Program or the City's predecessor inclusionary housing policy, condominium conversion requirements, or other affordable housing program.

* * * *

(c) Section 415.1 et seq., the Inclusionary Housing Program, shall not apply to:

(1) That portion of a housing project located on property owned by the United States or any of its agencies or leased by the United States or any of its agencies for a period in excess of 50 years, with the exception of such property not used exclusively for a governmental purpose;

(2) That portion of a housing project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental or educational purpose; or

(3) That portion of a housing project located on property under the jurisdiction of the San Francisco Redevelopment Agency or the Port of San Francisco where the application of Section 415.1 *et seq.* is prohibited by California or local law.

(4) A 100% *percent* affordable housing project in which rents are controlled or regulated by any government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development. The Mayor's Office of Housing must represent to the Planning Commission or Planning Department that the project meets this requirement.

(A) **Restrictions.** If a project sponsor takes advantage of this ~~s~~Subsection, all of the rules and regulations of the programs or recorded documents guaranteeing the affordability of the units shall govern the units and the requirements of this Program shall not apply.

(B) **Conditions.** In order to qualify for this provision, the project sponsor must record an NSR against the property that provides that, in the event of foreclosure or for any other reason, the project no longer qualifies as a project meeting the requirements of ~~s~~Subsection (4) the project will either:

(i) pay the Affordable Housing Fee plus interest from the date the project received its first construction document for the project if no affordable units were ever provided or, if affordable units were provided and occupied, then the Affordable Housing Fee with no interest is due on the date the units were no longer occupied by qualifying households; or

(ii) provide the required number of on-site affordable units required at time of original project approval and that those units shall be subject to all of the requirements of this Program.

(C) In the event that there is a foreclosure or other event triggering the requirements of ~~s~~Subsection (B) above, the project sponsor shall record a new NSR specifying the manner ~~it~~ *in* which it complies with this Program, including but not limited to any specific units restricted as affordable under (B)(ii). The new NSR shall provide that the units must comply with all of the requirements of this Program.

(5) A Student Housing project that meets all of the following criteria:

(A) The building or space conversion does not result in loss or conversion of existing housing, including but not limited to rental housing and dwelling units;

(B) An institutional master plan (IMP) pursuant to Section 304.5 is on file with the Planning Department prior to the issuance of any building permit or alteration permit in connection with the creation of the Student Housing project, and, in addition to the requirements of Section 304.5, such IMP shall describe:

(i) to the extent such information is available, the type and location of housing used by its students;

(ii) any plans for the provision of Student Housing; and

(iii) the Educational Institution's need for student housing to support its program; and (iv) the percentage of its students, on an average annual basis, that receive some form of need-based assistance as described in (113B).

(C) The Mayor's Office of Housing (MOH) is authorized to monitor this program. MOH shall develop a monitoring form and annual monitoring fee to be paid by the owner of the real property or the ~~p~~Post-~~s~~Secondary Educational Institution or *Religious* Institutions, as defined in Section *102* ~~209.3(j)~~ of this Code. The owner of the real property and

each ~~p~~Post-~~s~~Secondary Educational Institution or Institutions shall agree to submit annual documentation to the Mayor's Office of Housing (MOH) and the Planning Department, on or before December 31 of each year, that addresses the following:

(i) Evidence that the ~~p~~Post-~~s~~Secondary Educational Institution continues to own or otherwise control the Student Housing project under a master lease or other contractual agreement with at least a 5 year term, including a certificate from the owner of the real property and the ~~p~~Post-~~s~~Secondary Educational Institution attaching a true and complete copy of the master lease or other contractual agreement (financial information may be redacted) and certifying that the lease or contract has not otherwise been amended or terminated; and

(ii) Evidence, on an average annualized basis, of the percentage of students in good standing enrolled at least half time or more in the post-secondary Educational Institution or Institutions who are occupying the beds or accessory living space in the Student Housing project; and

(iii) The owner of the real property records a Notice of Special Restrictions (NSR) against fee title to the real property on which the Student Housing is located that states the following:

- The ~~p~~Post-~~s~~Secondary Educational Institution, or the owner of the real property on its behalf, must file a statement with the Department if it intends to terminate the Student Housing project at least 60 days before it terminates such use ("statement of termination");

- The Student Housing project becomes subject to the Inclusionary Housing Ordinance requirements applicable to Housing Projects other than Qualified Housing Projects

if (1) a post-secondary Educational Institution files a statement of termination with the Department and another ~~p~~Post-~~s~~Secondary Educational Institution or Institutions have not been substituted or obligated to meet the requirements of this section; or (2) the owner of the real property or the post-secondary Educational Institution fails to file a statement of termination and fails to meet the requirements for a Student Housing project, then within not more than one year of a Notice Of Violation issued by the Planning Department;

- If units in a Student Housing project become subject to the Inclusionary Housing Ordinance then the owner of those units shall (1) pay the Affordable Housing Fee plus interest from the date the project received its first construction document for the project if there is no evidence the Project ever qualified as Student Housing or, if Student Housing was provided and occupied, then the Affordable Housing Fee with no interest is due on the date the units were no longer occupied by qualifying households and interest would accrue from that date if the fee is not paid; or (2) provide the required number of on-site affordable units required at time of original project approval and that those units shall be subject to all of the requirements of this Program. In this event, the owner of the real property shall record a new NSR providing that the designated units must comply with all of the requirements of this Program.

- The ~~p~~Post-~~s~~Secondary Educational Institution is required to report annually as required in ~~s~~Subsection (C) above;

- The City may commence legal action against the owner and/or ~~P~~post-~~S~~secondary Educational Institution to enforce the NSR and the terms of Article IV of the

Planning Code and Planning Code Section 415 *et seq.* if it determines that the project no longer meets the requirements for a Student Housing project; and

- The Student Housing project may be inspected by any City employee to determine its status as a Student Housing project and its compliance with this Section at any time upon at least 24 hours' prior notice to the owner of the real property or to the master lessee.

(d) For projects that have received a first site or building permit prior to the effective date of Section 415.1 *et seq.*, the requirements in effect prior to the effective date of Section 415.1 *et seq.* shall apply.

(e) In November~~,~~ 2012 the voters amended the Charter by adopting Proposition C "The Affordable Housing Trust Fund and Housing Production Incentives" which is, in part, codified as Charter Section 16.110 ("Proposition C"). To the extent that there is any inconsistency between the provisions of Proposition C and Sections 415 *et seq.* or any other Planning Code provisions, the provisions of Proposition C shall control.

SEC. 417.2. DEFINITIONS.

See Section 401 of this Article.

"Gross ~~s~~Square ~~f~~Footage" shall have the meaning set forth in Section 102~~.9~~.

"Eastern Neighborhood Controls" shall have the meaning set forth in Section 175.6*(c)(1)*. ~~*Application.*~~

Section 6. Article 6 of the Planning Code is hereby amended by amending Sections 606 and 607.1, and deleting Sections 607.3, 607.4, and 608.10, to read as follows:

SEC. 606. RESIDENTIAL DISTRICTS.

Signs in R*esidential and Residential Enclave* Districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

(a) **General Provisions for All Signs.**

(1) No sign shall project beyond a street property line or legislated setback line, or into a required front setback area.

(2) No sign shall have or consist of any moving, rotating or otherwise animated part, or (if permitted to be illuminated) any flashing, blinking, fluctuating or otherwise animated light.

(3) No roof sign, wind sign, or general advertising sign shall be permitted.

(4) No sign shall extend above the roofline of a building to which it is attached, or above a height of 12 feet.

(b) **Signs for Uses Permitted in R*esidential and Residential Enclave* Districts.** The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized as principal or conditional uses in R *and RED* Districts, except that signs for any commercial establishments ~~*so authorized in RC Districts*~~ shall be subject to the limitations of Paragraph (c)~~*(3)*~~ below.

(1) One nonilluminated or indirectly illuminated nameplate for each street frontage of the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot in RH Districts or two square feet in RM or RED Districts.

(2) One identifying sign for each street frontage of the lot, not exceeding a height of 12 feet, and meeting the following additional requirements:

(A) In RH Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet;

(B) In RM, *RTO* or RED Districts: maximum area eight square feet if directly illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

~~*(C) In RTO Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet; signage related to commercial uses permitted under Sections 209.8(e) and 230 is regulated according to the provisions described in Section 230.*~~

(3) ***Sale or Lease Signs.*** One temporary nonilluminated or indirectly illuminated sale or lease sign for each street frontage of the total parcel involved, not exceeding a height of 24 feet if freestanding and not above the roofline if attached to a building, and having an area not exceeding six square feet for each lot or for each 3,000 square feet in such total parcel, whichever ratio permits the larger area, provided that no such sign shall exceed 50 square feet in area and any such sign exceeding 18 square feet in area shall be set back at least 25 feet from all street property lines. Any sale or lease sign shall be removed within seven days following removal of the property from the market.

(4) ***Construction Signs.*** Temporary nonilluminated signs of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project, not exceeding a height of 12 feet, with the combined area of all such signs not to exceed 10 square feet for each street frontage of the project.

(c) ***Business Signs for Limited Commercial Uses.*** *For Limited Commercial Uses, as described in Section 186 of this Code, and for Limited Corner Commercial Uses, as permitted by Section 231, the following controls shall apply:*

(1) ***Wall Signs.*** *One wall sign is permitted for each street frontage occupied by the use, placed flat against the wall that faces such street and not located above the ground floor. Such sign shall not exceed an area of one square foot for each linear foot of street frontage occupied by the building or part thereof that is devoted to the commercial use or 50 square feet per street frontage, whichever is less. Any such sign may be nonilluminated or indirectly illuminated.*

(2) ***Window Signs.*** *Window signs, limited to signs painted or similarly applied directly on the surface of the window glass, are permitted. The total area of all window signs, as defined in Section 602.1(b), shall not exceed one-quarter the area of the window on which the signs are located. Such signs may be nonilluminated or indirectly illuminated.*

(3) ***Projecting Signs.*** *The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed six square feet. The height of such sign shall not exceed 14 feet, or the height of the lowest residential windowsill above the commercial use, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or four feet, whichever is less. Any such sign may be nonilluminated or indirectly illuminated.*

(4) ***Signs on Awnings.*** *Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20 square feet per business. Such sign copy may be nonilluminated or indirectly illuminated.*

(5) ***Illumination.*** *Any illumination permitted for signs covered by this Subsection (c) shall be extinguished at all times when the commercial use is not open for business.*

(d) **Signs for *Other* Nonconforming Uses.** ~~*Signs for any use in an R District which is nonconforming under the provisions of Sections 180 through 187 of this Code, or which is given conditional use status under said sections, shall be subject to the provisions of this Subsection (c), except that any such use that would first be permitted as either a principal or a conditional use in some other R District under Article 2 of this Code, other than an RC District, shall be subject to the provisions of Subsection 606(b) above*~~. Any illumination permitted for signs covered by this Subsection ~~(c)~~*(d)* shall be extinguished at all times when the nonconforming use is not open for business.

(1) **Automobile Service Stations.** The following business signs are permitted for an automobile service station. Any such signs may be nonilluminated or indirectly or directly illuminated. *Directly illuminated signs may be illuminated only during open business hours.*

(A) A maximum of two oil company signs, which shall not extend ~~*more than 10 feet*~~ above the roofline if attached to a building, or exceed a height of 24 feet if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. The areas of other permanent and temporary signs as covered in Subparagraph 606~~*(c)*~~*(d)*(1)(B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) **Other Permanent and Temporary Signs Customarily Incidental to the Service Station Business.** No such sign shall extend above the roofline if attached to a

building, or exceed a height of 12 feet if freestanding. The area of such signs shall not exceed 20 square feet for each such sign or a total of 80 square feet for all such signs on the premises.

(2) **Open Land Uses.** If there is no building with more than 50 square feet of floor area involved in the use, one business sign is permitted for each street frontage occupied by such use, not exceeding a height of 12 feet and having an area not exceeding one square foot for each foot of such street frontage. The total area of all signs for such a use shall not exceed 50 square feet. Any such sign may be nonilluminated or indirectly illuminated.

(3) **Other Uses.** For a use not listed in *Subsections* ~~*Paragraph*~~ 606(c)~~*(1)*~~ or 606~~*(c)(2)*~~*(d)* above, one business sign is permitted for each street frontage occupied by the use, placed flat against the wall that faces such street and not located above the ground floor. Such sign shall not exceed an area of *one* ~~*two*~~ square feet for each foot of street frontage occupied by the building or part thereof that is devoted to the nonconforming use. The total area of all signs for such a use shall not exceed 100 square feet. Any such sign may be nonilluminated or indirectly illuminated. ~~*In RM, RED and RC Districts, any such sign may be directly illuminated.*~~

SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS.

Signs located in Neighborhood Commercial Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code or as more specifically regulated in a Special Sign District under Sections 608 et seq. In the event of

conflict between the provisions of Section 607.1 and other provisions of Article 6, the provisions of Section 607.1 shall prevail in Neighborhood Commercial *and Residential-Commercial* Districts~~, *provided, however, that with respect to properties also located in the Upper Market Special Sign District, the provisions of Section 608.16 of this Code shall prevail*~~.

In each such Special Sign District, signs, other than those signs exempted by Section 603 of this Code, shall be subject to the special controls in Sections 608.1 through 608.16, respectively, in addition to all other or, if so expressly specified in those Sections in lieu of other applicable sign provisions of this Code. In the event of inconsistency with any other provision of Article 6, the most restrictive provision shall prevail unless this Code specifically provides otherwise.

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Neighborhood Commercial *and Residential-Commercial* Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Neighborhood Commercial *and Residential-Commercial* Districts change, they need to maintain their attractiveness to *residents,* customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute

toward a coherent appearance of Neighborhood Commercial *and Residential-Commercial* Districts.

(3) Neighborhood Commercial *and Residential-Commercial* Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories. Although signs ~~and other advertising devices~~ are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Neighborhood Commercial District or in adjacent residential districts.

(4) The scale of most Neighborhood Commercial *and Residential-Commercial* Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) **Signs or Sign Features Not Permitted in NC *and RC* Districts.** Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC *and RC* Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

(c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted in all Neighborhood Commercial *and Residential-Commercial* Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any sign identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a) in an NC District shall be considered a business sign and subject to Section 607.1(f) of this Code. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each noncommercial use in NC Districts.

(e) **General Advertising Signs.** General advertising signs, as defined in Section 602.7, ~~*shall, where permitted by the zoning controls for the individual NC districts, conform to the requirements of this subsection*~~ *are not permitted in Neighborhood Commercial and Residential-Commercial Districts*, ~~*except in the Inner Sunset Neighborhood Commercial District where they are not permitted, as provided for below. In NC Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any*~~

~~*freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign, as defined in Section 602.1(a) of this Code.*~~

~~*(1)* **NC-2, NCT-2, NC-S, and named NC and NCT Districts.** *No more than one general advertising sign shall be permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.*~~

~~*(2)* **NC-3 and NCT-3 Districts.** *No more than one general advertising sign not exceeding 300 square feet or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsills on the wall to which it is attached, whichever is lower, if a wall sign, or the adjacent wall or the top of the adjacent wall if a freestanding sign, whichever is lower.*~~

~~*(A)* **NC-3 and NCT-3 Districts.** *Signs may be either nonilluminated or indirectly illuminated.*~~

* * * *

(h) **Special Sign Districts.** Additional controls apply to certain Neighborhood Commercial *and Residential-Commercial* Districts that are designated as Special Sign Districts. Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and

boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(i) **Restrictions on Illumination.** Signs in Neighborhood Commercial *and Residential-Commercial* Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except those moving or rotating or otherwise physically animated parts used for rotation of barber poles and the indication of time of day and temperature, and in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(1) **Broadway Neighborhood Commercial District.** Along the main commercial frontage of Broadway between west of Columbus Avenue and Osgood Place.

(2) **NC-3.** NC-3 District along Lombard Street from Van Ness Avenue to Broderick Street.

(3) Notwithstanding the type of signs permissible under subparagraph (i), a video sign is prohibited in the districts described in subparagraphs (1) and (2).

(j) **Other Sign Requirements.** Within Neighborhood Commercial *and Residential-Commercial* Districts, the following additional requirements shall apply:

~~*(1)* ***Public Areas.*** *No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.*~~

~~(2) **Maintenance.** Every sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.~~

~~(3)~~ (1) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

~~(4)~~ (2) **Special Standards for Automotive Gas and Service Stations.** The provisions of Section 607.1(f)(4) of this Code shall apply.

~~***SEC. 607.3. VAN NESS SPECIAL SIGN DISTRICT.***~~

~~(a) **General.** Signs located within the Van Ness Special Use District, with the exception of the Civic Center Special Sign District as shown in Sectional Map SSD, shall be regulated by the provisions of Article 6 and those set forth below, except for those signs which are exempt pursuant to Section 603. In the event of conflict between the provisions of this Section and those of Article 6, the provisions of this Section shall prevail in the Van Ness Special Use District.~~

~~(b) **Purposes.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the Van Ness Special Use District. These purposes constitute findings that form a basis for regulations and provide guidance for their application.~~

~~(1) As Van Ness Avenue changes from an automotive oriented area to a mixed-use, predominantly residential district, it needs to maintain its attractiveness to business customers and residents alike. Physical amenities and a pleasant appearance will benefit both existing and new enterprises.~~

~~(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of the Van Ness Special Use District.~~

~~(3) The Van Ness Special Use District is intended to be a mixed-use area with commercial units on the ground or lower stories and residential uses on upper stories. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within the Van Ness Special Use District or in adjacent residential districts.~~

~~(4) The scale of the Van Ness Special Use District as characterized by building height, bulk, and appearance, and by the width of streets and sidewalks, differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.~~

~~(c) **Controls.**~~

~~(1) **Signs or Sign Features Not Permitted in the Van Ness Special Use District.** Roof signs as defined in Section 602.16 are not permitted.~~

~~(2) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted in the Van Ness Special Use District subject to the limits set forth below.~~

~~(A) An identifying sign shall not exceed 20 square feet in area. The sign may be a wall sign or a projecting sign. A wall sign or projecting sign shall be mounted at or below the level of the lowest residential windowsill or 25 feet, whichever is lower. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated. For the purposes of this Section, "wall signs" shall be~~

~~*defined as signs placed flat against a building wall with its copy parallel to the wall to which it is attached and not protruding more than the thickness of the sign cabinet.*~~

~~*(B) One name plate, as defined in Section 602.12, not exceeding an area of six square feet, shall be permitted for each resident and occupant of the building.*~~

~~*(3)* ***General Advertising Signs.*** *General advertising signs, as defined in Section 602.7, shall be permitted in the Van Ness Special Use Districts as provided below. General advertising signs may be either a wall sign or a freestanding sign, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. The building wall shall form a complete backdrop for the wall sign, as the sign is viewed from those points on a street or alley from which it is legible. Signs painted directly on a building wall shall be considered general advertising signs for the purposes of this Section. No general advertising sign shall be permitted to cover part or all of any window. No more than one general advertising sign of 300 square feet or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 36 feet, or the height of the wall to which it is attached or before which it is placed, or the height of the lowest residential windowsill located on the wall to which the sign is attached or before which it is placed, whichever is lowest. Signs may be either non-illuminated, directly or indirectly illuminated. All general advertising signs shall conform to the provisions of Section 5408 of the California Business and Professions Code, including the requirement that no advertising display shall be placed within 100 feet from another advertising display on the same side of Van Ness Avenue.*~~

~~*(4)* ***Business Signs.*** *Business signs, as defined in Section 602.3, shall be permitted subject to the following restrictions:*~~

~~(A) **Window Signs.** The total area of any window sign, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the sign is located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated. For purposes of this Section, "window signs" shall be defined as signs placed directly on the surface of the glass inside the building.~~

~~(B) **Wall Signs.** The area of any wall sign shall not exceed three square feet per foot of street frontage occupied by the building on which the sign is located. The height of any wall sign shall not exceed 45 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.~~

~~(C) **Projecting Signs.** The area of any projecting sign shall not exceed 36 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lowest. No part of the sign shall project more than six feet from the property line. Such signs may be nonilluminated, indirectly, or directly illuminated.~~

~~(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings and marquees in lieu of projecting signs. The area of such sign copy shall not exceed 60 square feet. Such sign copy may be nonilluminated, indirectly illuminated or directly illuminated.~~

~~(E) **Freestanding Signs and Sign Towers.** Freestanding signs and sign towers shall not be permitted in the Van Ness Special Sign District except as provided in Section 606(c)(1).~~

~~(F) **Automotive Gas and Service Stations.** For automotive gas and service stations, only the following signs are permitted:~~

~~(i) A maximum of two oil company signs, which shall not extend more than 10 feet above the roof line if attached to a building, or exceed 24 feet in height if freestanding. The area of any such sign shall not exceed 180 square feet. Along each street frontage, all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any property line. The areas of other permanent and temporary signs as covered in Subparagraph (ii) below shall not be included in the calculation of the areas specified in this Subsection.~~

~~(ii) Other permanent and temporary signs customarily incidental to the service station business, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roof line if attached to a building, or in any case project beyond any street property line or building setback line.~~

~~(5) **Temporary Signs.** Temporary signs permitted in the Van Ness Special Use District are sale or lease signs as defined in Section 602.17 and construction signs giving the names of persons and firms connected with work on buildings under actual construction or alteration and information pertinent to the project. One sign per lot not exceeding 50 square feet shall be permitted and conform to all regulations as set forth in Section 607(f). All temporary signs shall be promptly removed upon removal of the property from the market or completion of the construction activity.~~

~~(6) **Maintenance and Removal of Signs.** Every business and identifying sign shall be adequately maintained in its appearance, or else removed or obscured. When the business, service, industry, use or activity for which a business sign or identifying sign has been erected has ceased operation on the premises, all such signs pertaining to such establishment shall be removed or obscured within 180 days.~~

~~(7) **Additional Controls.** Additional sign controls apply to certain areas of the Van Ness Special Use District designated as Special Sign Districts. Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and, with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.~~

~~(8) Automotive sales and service signs within the Automotive Special Use District which have all required permits but which do not comply with the controls for new signs established in Section 607.3 of this Code shall be permitted to remain as nonconforming uses and shall be permitted to modify the signage text to describe new automobile ownerships and dealerships that may occur from time to time.~~

~~(d) **Landmark Buildings.** Notwithstanding any other provision of this Code to the contrary, any sign which is presently located upon or was once located upon a structure within the Van Ness Special Use District which is designated a landmark under Section 1004 may be replaced and/or restored subject to the limits set forth below.~~

~~(1) The sign may not exceed the size, shape and number of the sign(s) being replaced and/or restored.~~

~~(2) The sign may be a wall, projecting, or freestanding sign.~~

~~(3) The height of the sign may not exceed 80 feet from the sidewalk elevation.~~

~~(4) The sign must be in the same location of the sign being replaced and/or restored.~~

~~(5) The sign may not be located on the roof.~~

~~(6) The sign may not cover or partially block any window.~~

~~(7) The light of the sign may not be flashing, intermittent, or moving.~~

~~*(8) The features of the sign including size, shape and illumination must be reviewed and approved in accordance with the procedures for the application of a Certificate of Appropriateness under Section 1006 of this Code and subject to the discretion of the City Planning Commission. Both the Landmark Preservation Advisory Board and the City Planning Commission have the authority to modify any features of the sign in order to preserve the historical nature of the building.*~~

~~***SEC. 607.4. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.***~~

~~*Signs located in the RC-4 portion of the North of Market Residential Special Use District shall be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code.*~~

~~*(a)* ***Business Signs****. Business signs, as defined in Section 602.3, shall be permitted subject to the regulations set forth below:*~~

~~*(1)* ***Window Signs****. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 of the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.*~~

~~*(2)* ***Wall Signs****. The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.*~~

~~*(3)* ***Projecting Signs****. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest*~~

~~of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.~~

~~(4) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated, or indirectly illuminated.~~

~~(5) **Freestanding Signs and Sign Towers.** With the exception of automotive service station signs, which are permitted subject to the provisions of Section 606(c)(1) of this Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet, nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.~~

~~(b) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each non-commercial use.~~

~~(c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted subject to the following regulations:~~

~~(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.~~

~~(d) **Signs or Sign Features Not Permitted in the North of Market Residential Special Use District.** Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code and general advertising signs as defined in Section 602.7 are not permitted. In addition, no sign shall have or consist of any moving, rotating, or otherwise physically animated part or any lights that give the appearance of animation by flashing, blinking or fluctuating. All signs or sign features not otherwise specifically regulated in this Section shall be prohibited.~~

~~**SEC. 608.10. ON AND NEAR MARKET STREET FROM THE CENTRAL SKYWAY OVERPASS TO DIAMOND STREET.**~~

~~There shall be a special sign district known as the Upper Market Special Sign District in the vicinity of Market Street from the Central Skyway overpass to Diamond Street as designated on Sectional Map SSD of the Zoning Map of the City and County of San Francisco. The original copy of said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 324-76-2. With respect to said Special Sign District, the following regulations shall apply:~~

~~(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the Upper Market Special Sign District. These purposes constitute findings that form a basis for these regulations and provide guidance for their application.~~

~~(1) In November 1962, the electorate of San Francisco voted approval of an investment in a City and regional rapid transit system that will runs beneath Market Street, including a city subway along Upper Market. In June 1968, the electorate approved a bonded indebtedness of $24,500,000, including payment for reconstruction and improvement of Market Street from the Central Skyway overpass to the vicinity of Castro Street. The street is being rebuilt at public expense, with special paving, furnishings and landscaping. When rebuilt, this portion of Market Street will have heavy concentrations of pedestrians, and will increase in importance as a transit and shopping corridor. It is a purpose of the Upper Market Special Sign District to further this public endeavor.~~

~~(2) As the street is rebuilt, the area is attracting and will continue to attract investments, development and design efforts in reliance upon the promise of a street of high quality. Both existing and new enterprises will be strengthened by the high standards of their environment and by the joint efforts of owners and business people.~~

~~(3) The character of signs along the street and of other features projecting from buildings is especially significant to street appearance and to the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to the street design and to the design of buildings, and it is a purpose of these regulations to set a framework that will contribute toward those ends.~~

~~(4) The standards established by these regulations are reasonable standards related to the unique nature of the Upper Market area and to its present and future needs. Where removal or~~

~~alteration of existing signs is required, the periods for removal or alteration allow adequate time for amortization of the signs, consistent with other improvements along the street. The removal or alteration will help to promote equality among establishments, adding greater significance to the improvement efforts.~~

~~(5) The standards established by these regulations are deemed to be minimum requirements, forming a basic framework for development and remodeling. They are not intended in any way to preclude further design refinement or review by individuals or duly constituted organizations which might consider more restrictive requirements as to any aspects limited herein, or as to additional aspects such as materials, color, graphics, types of representation, relationship of signs to one another and to architectural features, or the general quality of design. It is anticipated that private efforts along such lines will and should be made for the further improvement of the Upper Market area.~~

~~(b) **General Advertising Signs.** Except as specified in Subsection 608.10(f) below:~~

~~(1) No general advertising sign shall be permitted at any location within said Special Sign District; and~~

~~(2) No general advertising sign shall be located within 200 feet of said Special Sign District, if any portion of a face of such sign would be visible from any point on a street, alley or plaza within the Special Sign District.~~

~~(c) **Roof Signs.** Notwithstanding the exceptions stated in Subsection 607(b) of this Code, no roof sign shall be permitted within said Special Sign District.~~

~~(d) **Projection of Signs and Other Features**. Within said Special Sign District:~~

~~(1) No projection shall exceed a horizontal distance of six feet beyond any street property line. This limitation shall apply to signs and to all other features including but not limited to marquees, awnings and canopies, with the sole exception of flagpoles for flags of any nation or political subdivision.~~

~~(2) Projecting signs for each establishment shall be limited to one sign on each street frontage occupied by the establishment, in addition to any signs that are placed flat upon or otherwise integrated in the design of marquees and awnings.~~

~~(c) **Height and Extension Above Roofline.** Within said Special Sign District, all of the following limitations shall apply:~~

~~(1) Notwithstanding the exceptions stated in Subsection 607(g) of this Code, no sign attached to a building shall extend or be located above the roofline of the building to which it is attached.~~

~~(2) A projecting sign attached to a building with lettering or other inscription arranged in a vertical manner shall have a maximum height of 50 feet or the roofline of the building to which it is attached, whichever is the lesser.~~

~~(3) Except as provided in Paragraph 608.10(e)(5) below, all other signs attached to a building shall be located no higher than the windowsill level of the lowest story (if any) that has a window or windows on the building facade on which the signs are placed, exclusive of the ground story and mezzanine, provided that no such sign shall in any case exceed a height of 50 feet or the roofline of the building to which it is attached, whichever is the lesser.~~

~~(4) In addition, except as provided in Paragraph 608.10(e)(5) below, uniformity of height shall be maintained in both the upper and lower edges of signs placed flat upon or essentially parallel to each facade of a single building.~~

~~(5) As to the requirements of Paragraphs 608.10(e)(3) and (4) above, deviation from the requirements may be permitted to the extent an alternative placement of signs is made necessary by the location of arches, entrances and other architectural features, as determined by the Zoning Administrator, or for the purpose of installing special lighting effects and temporary holiday decorations.~~

~~(6) The maximum height for freestanding signs shall be 24 feet.~~

~~(f) **Public Areas.** No sign or other structure or feature shall be placed upon any public street, alley or public plaza, or in any portion of a transit system, except such signs, structures and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.~~

~~o the extent an alternative placement of signs is made necessary by the location of arches, entrances and other architectural features, as determined by the Zoning Administrator, or for the purpose of installing special lighting effects and temporary holiday decorations.~~

~~(6) The maximum height for freestanding signs shall be 24 feet.~~

~~(f) **Public Areas.** No sign or other structure or feature shall be placed upon any public street, alley or public plaza, or in any portion of a transit system, except such signs, structures and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.~~

Section 7. Article 7 of the Planning Code is hereby amended by adding Section 701.3 and amending Section 799, to read as follows:

SEC. 701.3. REFERENCES TO ARTICLES 1 & 2 (TEMPORARY).

Articles 1 and 2 of this Code are in the process of a significant reorganization. As a result, some references to Articles 1 and 2 have not yet been modified. The following references in this Section of the Code are amended as follows:

102.8 shall refer to Section 102, Family

102.9 shall refer to Section 102, Gross Floor Area Ratio

102.10 shall refer to Section 102, Occupied Floor Area

102.11 shall refer to Section 102, Floor Area Ratio

102.12, shall refer to Section 102, Height (of a building)

102.18, shall refer to Section 102, One Ownership

102.35(a), shall refer to Section 102, Neighborhood Agriculture

102.35 (b) shall refer to Section 102, Large Scale Urban Agriculture.

Any other discrepancy between an Article 1 or 2 references in this Section of the Code and the actual or intended reference shall be arbitrated by the Zoning Administrator on a case-by-case basis.

SEC. 799. OTHER APPLICABLE SECTIONS OF THE PLANNING CODE.

Reference should be made to other sections which also apply to Neighborhood Commercial Districts. These sections and their titles are listed below.

* * * *

General Provisions

Section 101 Purposes

Section 101.1	General Plan Consistency and Implementation
Section 109	Severability
Definitions	
Sections 102~~102.25~~	Definitions
* * * *	
Uses	
Section 201	Classes of Use Districts
Section 202	Uses Permitted by This Code
Section 202.1	*Zoning Control Tables*
Section 202.2	*Operating Conditions*
Section 202.3	*Limitation on Change in Use or Demolition of General Grocery Store Use*
Section 202.4	*Limitation on Change in Use or Demolition of Movie Theater Use*
Section 202.5	*Conversion of Automotive Service Stations*
Section 202.6	*Live/Work Units*
Section 203	Effect on Certain Public Services
Section 204	Accessory Uses, General
Section 204.1	Accessory Uses for Dwellings in All R and NC Districts
Section 204.4	Dwelling Units Accessory to Other Uses
Section 204.5	Parking and Loading as Accessory Uses
Section 205	Temporary Uses, General
Section 205.1	Temporary Uses, Sixty-day Limit
Section 205.2	Temporary Uses, Two-year Limit

Section 207.1	Rules for Calculation of Dwelling Unit Densities
Section 207.4	Density of Dwelling Units in Neighborhood Commercial Districts
Section 208	Density Limitations for Group Housing
Section *211* ~~*234*~~	*P (Public) Districts*
Section *211.1* ~~*234.1*~~	*Principal Uses Permitted, P Districts*
Section *211.2* ~~*234.2*~~	*Conditional Uses, P Districts*
Section 235	Special Use Districts

* * * *

Section 8. Article 8 of the Planning Code is hereby amended by adding Section 801.2 and amending Sections 803.5 and 899, to read as follows:

SEC. 801.2. REFERENCES TO ARTICLES 1 & 2 (TEMPORARY).

Articles 1 and 2 of this Code are in the process of a significant reorganization. As a result, some references to Articles 1 and 2 have not yet been modified. The following references in this Section of the Code are amended as follows:

102.8 shall refer to Section 102, Family

102.9 shall refer to Section 102, Gross Floor Area Ratio

102.10 shall refer to Section 102, Occupied Floor Area

102.11 shall refer to Section 102, Floor Area Ratio

102.12, shall refer to Section 102, Height (of a building)

102.18, shall refer to Section 102, One Ownership

102.35(a), shall refer to Section 102, Neighborhood Agriculture

102.35 (b) shall refer to Section 102, Large Scale Urban Agriculture.

209.5(a) & (b) shall refer to Section 102, Entertainment and Recreation, Non-Commercial

209.9(f) and (g) shall refer to Section 102, Live/Work Unit

221(c) shall refer to Section 102, Community Facility

221(d) shall refer to Section 102, Arts Activities.

221(f) shall refer to Section 102, Entertainment, General

224 shall refer to Section 102, Animal Hospital, Cat Boarding, and Kennel

225 shall refer to Section 102, Storage Yard, Wholesale Sales, and Wholesale Storage

226 shall refer to Section 102, Industrial Use

227(a) shall refer to Section 102, Greenhouse.

227(c) shall refer to Section 102, Mortuary

227(h) shall refer to Section 102, Commercial Wireless Telecommunication Facility

Any other discrepancy between an Article 1 or 2 references in this Section of the Code and the actual or intended reference shall be arbitrated by the Zoning Administrator on a case-by-case basis.

SEC. 803.5. GOOD NEIGHBOR POLICIES GOVERNING USES IN MIXED USE DISTRICTS.

(a) ***Eating and Drinking Uses*** ~~***Bars and Restaurants***~~ **in** ~~***the Eastern Neighborhoods Mixed Use Districts and South of Market***~~ **Mixed Use Districts.** Within ~~*the Eastern Neighborhoods Mixed Use Districts and South of Market*~~ Mixed Use Districts, *the Operating Conditions of Section 202.2(a) shall apply to all Eating and Drinking Uses.* ~~*bars and restaurants, permitted pursuant to Sections 813 through 818, and 840 through 843 of this Code, shall not be allowed except on conditions which, in the*~~

~~*judgment of the City agency, board or commission which last exercises jurisdiction to apply this Code to a proposed such use, are reasonably calculated to insure that:*~~

~~*(1) the quiet, safety and cleanliness of the premises and its adjacent area are maintained;*~~

~~*(2) adequate off-street parking is provided, for which purpose the agency, board or commission may require parking in excess of that required under the provisions of Section 150(c) of this Code and may include participation in a South of Market Parking Management Program if and when such a program exists ;*~~

~~*(3) proper and adequate storage and disposal of debris and garbage is provided;*~~

~~*(4) noise and odors are contained within the premises so as not to be a nuisance to neighbors; and*~~

~~*(5) sufficient toilet facilities are made accessible to patrons, including persons waiting to enter the establishment.*~~

* * * *

SEC. 899. OTHER APPLICABLE SECTIONS OF THE PLANNING CODE.

Certain sections of the Planning Code in Articles other than this Article also apply to Mixed Use Districts. Such sections and their titles are listed below. The following listing is set forth for convenience; in the event of any omission of a provision, that provision shall nevertheless still apply.

General Provisions

Section 101	Purposes
Section 101.1	General Plan Consistency and Implementation

Section 109	Severability
Definitions	
Sections 102-~~102.28~~	Definitions
* * * *	
Parking	
Section 150	Off-Street Parking and Loading Requirements
Section 151.*1*	Schedule of *Permitted* ~~*Required*~~ Off-Street Parking Spaces *in Specified Districts*
Section 152	Schedule of Required Off-Street Freight Loading Spaces
Section 153	Rules for Calculation of Required Spaces
Section 154	Minimum Dimensions for Required Off-Street Parking and Loading Spaces
Section 155	General Standards as to Location and Arrangement of Off-Street Parking and Loading Spaces
Sections 155.1 to 155.5	Bicycle Parking Requirements
Section 156	Parking Lots
Section 157	Conditional Use Applications for Parking Exceeding Accessory Amounts
Section 159	Required Off-Street Parking Not on the Same Lot as Structure or Use Served
Section 160	Collective Provision and Joint Use of Required Off-Street Parking

Section 161	Exemptions from Off-Street Parking, Freight Loading
Section 163	Transportation Management Programs
* * * *	
Uses	
Section 201	Classes of Use Districts
Section 202	Uses Permitted By This Code
Section 202.1	*Zoning Control Tables*
Section 202.2	*Operating Conditions*
Section 202.3	*Limitation on Change in Use or Demolition of General Grocery Store Use*
Section 202.4	*Limitation on Change in Use or Demolition of Movie Theater Use*
Section 202.5	*Conversion of Automotive Service Stations*
Section 202.6	*Live/Work Units*
Section 203	Effect on Certain Public Services
Section 204	Accessory Uses, General
Section 204.1	*Accessory Uses for Dwellings in All Districts*
Section 204.4	Dwelling Units Accessory to Other Uses
Section 204.5	Parking and Loading as Accessory Uses
Sections 205-205.3	Temporary Uses
Section 207.1	Rules for Calculation of Dwelling Unit Densities
Section 207.5	Density of Dwelling Units in Mixed Use Districts
Section 208	Density Limitations for Group Housing

Section 233	Live/Work Units
Section *211.2* ~~*234.2*~~	Conditional Uses, P Districts
Section 235	Special Use Districts

* * * *

Section 9. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____ for
JUDITH A. BOYAJIAN
Deputy City Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 141253 **Date Passed:** February 10, 2015

Ordinance amending the Planning Code to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Control Tables, and make nonsubstantive changes to various sections in Articles 1, 2, 3, 4, 6, 7, and 8, in order to update, clarify, and simplify Code language; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

January 26, 2015 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

January 26, 2015 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

February 03, 2015 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

February 03, 2015 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

February 10, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 141253

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/10/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/20/15
Date Approved

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Winn/Omaha, Ne
Houchen
Bindery Ltd